

**LAWRENCE**

**vs.**

**METROPOLITAN GOVERNMENT OF NASHVILLE**

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**JAMIE SUMMERS**

**April 24, 2023**



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**Linder Reporting, LLC**

**Sarah N. Linder, LCR**

**(615) 415-7764**

**Sarahnlinder@gmail.com**

1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE MIDDLE DISTRICT OF TENNESSEE  
3                   AT NASHVILLE

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4                   MAGGIE LAWRENCE,

5                               Plaintiff,

6                   vs.

Case No.: 3:22-cv-0680

7                   METROPOLITAN GOVERNMENT OF  
8                   NASHVILLE & DAVIDSON COUNTY,  
                  acting by and through THE  
9                   NASHVILLE FIRE DEPARTMENT,

                              Defendant.

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14                               Deposition of:

15                               JAMIE SUMMERS

16                               Taken on behalf of the Plaintiff  
17                               April 24, 2023

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22  

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23                               Linder Reporting, LLC  
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A P P E A R A N C E S

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Also Present:

MS. MAGGIE LAWRENCE

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4                   The deposition of JAMIE SUMMERS was taken by

5                   counsel for the Plaintiff, at the Nashville Fire

6                   Department, 63 Hermitage Avenue, Nashville,

7                   Tennessee, on April 24, 2023, for all purposes under

8                   the Federal Rules of Civil Procedure.

9                   All formalities as to caption, notice,

10                  statement of appearance, et cetera, are waived. All

11                  objections, except as to the form of the questions,

12                  are reserved to the hearing, and that said deposition

13                  may be read and used in evidence in said cause of

14                  action in any trial thereon or any proceeding herein.

15                  It is agreed that SARAH N. LINDER, LCR,

16                  Notary Public and Court Reporter for the State of

17                  Tennessee, may swear the witness, and that the

18                  reading and signing of the completed deposition by

19                  the witness was not discussed.

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1	probably isn't news to you, but just few ground	08:58:40
2	rules --	08:58:44
3	A. Sure.	08:58:45
4	Q. -- at least for when I give -- take	08:58:45
5	depositions. First, tell the truth. Obviously,	08:58:47
6	you've already sworn to do that.	08:58:51
7	Second is if I say something too quickly or	08:58:53
8	if you don't understand it, please let me know. Is	08:58:57
9	that okay?	08:59:00
10	A. It's perfect.	08:59:01
11	Q. Third, if you ever need a break for any	08:59:02
12	reason, just tell me, hey, I need a break and we'll	08:59:05
13	take a break.	08:59:09
14	A. Sounds good.	08:59:09
15	Q. What is your role as the HR manager?	08:59:10
16	A. So my role is to oversee the personnel --	08:59:15
17	day-to-day personnel issues at the fire department,	08:59:20
18	things like a payroll; not the payroll part of it but	08:59:26
19	the human resources related payroll: Leave, time	08:59:29
20	accounting, getting the file ready for payroll to go.	08:59:32
21	That runs under my employees, Michelle. I've got	08:59:35
22	four people that work for me. We do all the FMLA,	08:59:39
23	short-term disability, onboarding for all the new	08:59:42
24	hires, paperwork for everybody that's leaving.	08:59:46
25	I oversee the disciplinary process here.	08:59:48

1           In addition to onboarding, then we do all --  
2           in conjunction with the central human resources, all  
3           the recruitment from promotions are run centrally  
4           through us, but by rule, they have to be signed off  
5           on and so we kind of do that together with central  
6           human resources.

7           I oversee the disciplinary process if I  
8           haven't said that yet. I don't -- I'm not a  
9           decisionmaker in those, but I ensure that the rules  
10          are followed and anything else that -- you know, that  
11          employees need from a personal stand- -- you know,  
12          their file -- their employee files. I've got a  
13          little piece in the records management, work  
14          centrally with central human resources on class comp  
15          and benefit issues, IODs, anything Civil Service  
16          related. That's just a little bit of it.

17         Q.          So it's a huge job?

18         A.          I think so, yes.

19         Q.          Right. It sounds like it. What are your  
20          hours?

21         A.          I -- my standard hours are 7:30 to 4, but I  
22          work whenever Chief needs me to work.

23         Q.          Okay. One of the things that I believe you  
24          said in your answer was you oversee disciplinary  
25          processes. Is that correct?



1	A.	Correct.	09:01:05
2	Q.	How does that work? Can you explain that for	09:01:06
3		me?	09:01:10
4	A.	So each division Chief or Commander,	09:01:10
5		depending on what area, if they've got issues with	09:01:15
6		their employees -- and I'll use suppression for an	09:01:18
7		example or op- -- fire operations, they have an	09:01:22
8		employee who's violated a rule or policy.	09:01:24
9		Let's just say they had a back -- an accident	09:01:26
10		backing a fire engine and they didn't have a ground	09:01:28
11		guide. Then they -- the chief of that area, Chief	09:01:32
12		Tomlinson, Chief Tony, depending on whoever's	09:01:34
13		bringing that up, will meet with the employee, get	09:01:37
14		the background, see if -- we've kind of got this	09:01:40
15		standard: Most people back without a ground guide,	09:01:43
16		unless it's extenuating circumstances, get a	09:01:47
17		three-day suspension. They'll offer the employee	09:01:49
18		three days.	09:01:51
19		If the employee doesn't take that time, then	09:01:51
20		we'll have a disciplinary panel and then I administer	09:01:54
21		that panel. I make sure we've got three members	09:01:56
22		here. The employee's put on notice with their	09:01:58
23		charges, their -- bring their union rep, or their	09:02:00
24		legal representative, whatever they want in here, and	09:02:04
25		then they have their hearing, which is just an	09:02:07

1	informal hearing where the panel gets to ask	09:02:10
2	questions and the employee gets to make their	09:02:13
3	statement regarding those -- regarding those charges.	09:02:15
4	And then the panel makes recommendation to	09:02:17
5	Chief Swann, and Chief Swann will then determine	09:02:20
6	whatever discipline he wants. And then depending on	09:02:23
7	who it is, sometimes I'll write up those letters.	09:02:26
8	Other times, that chief will. And then we get it	09:02:30
9	back to that employee and then I oversee the Civil	09:02:32
10	Service piece of if the employee appeals that	09:02:35
11	disciplinary process.	09:02:39
12	Q. Do you deal with claims of discrimination?	09:02:41
13	A. I do.	09:02:43
14	Q. How does that work?	09:02:43
15	A. Well, it just depends on how the employee	09:02:45
16	feels to -- going about that claim. They have the	09:02:48
17	right to come through their chain of command. They	09:02:50
18	can come directly to me. They can go directly to	09:02:53
19	human resources. They can go straight to the EEOC.	09:02:57
20	And so, just depending on how the employee does those	09:03:01
21	charges depends on my involvement, but I usually work	09:03:04
22	as the liaison with Metro Legal to write responses to	09:03:08
23	those.	09:03:12
24	Q. Do you write responses to EEOC charges?	09:03:12
25	A. I'll write draft responses --	09:03:15

1	Q.	You -- okay.	09:03:17
2	A.	-- with the facts of the case surrounding the	09:03:17
3		employee as I know them if I'm aware of them. And	09:03:21
4		then I work hand in hand with Metro Legal on that.	09:03:23
5	Q.	Okay. Do you do the same for the complaints	09:03:26
6		as well, like actual complaints filed in court?	09:03:29
7	A.	Yes.	09:03:31
8	Q.	Okay. I'm going to hand you and your counsel	09:03:31
9		the position statement of the Metro Government of	09:03:45
10		Nashville and Davidson County with regards to Ms.	09:03:50
11		Lawrence. Are you familiar with that document?	09:03:56
12	A.	Yes.	09:03:58
13	Q.	Okay. I want to turn your attention -- well,	09:03:58
14		did you help draft this document or did you draft	09:04:08
15		this response?	09:04:11
16	A.	I had input into it. I didn't draft the	09:04:11
17		final response, but I did help work with Metro Legal	09:04:14
18		in drafting it, yes.	09:04:17
19	Q.	Okay. Is there anyone outside of -- I don't	09:04:18
20		want to talk about what Metro Legal did necessarily.	09:04:21
21		I -- but within your department, is there anyone else	09:04:25
22		who helped Metro Legal with this?	09:04:28
23	A.	No.	09:04:30
24	Q.	Okay. At the bottom of page 1, top of page	09:04:30
25		2, the charge states: On October 8th, 2021, less	09:04:46

1 than a -- one month after filing my EEOC charge, now 09:04:49  
2 Fire Marshal Hutchison put me on a performance 09:04:56  
3 improvement plan. The stated reasons for this were 09:05:00  
4 varied and not legitimate. For example, he claimed 09:05:03  
5 that I did not assign a former employee's recall 09:05:05  
6 duties to anyone, even though I did. 09:05:08

7 He also said that I approved overtime for 09:05:10  
8 employees that should not have been approved. 09:05:13

9 However, he was the person who told me to approve 09:05:16  
10 this overtime. I have documentation to support all 09:05:20  
11 of these statements. 09:05:25

12 And then there is a response to that 09:05:27  
13 underneath, correct? 09:05:29

14 A. Correct. 09:05:31

15 Q. I want to focus on both what I just read and 09:05:31  
16 then the response. What did you do to research your 09:05:37  
17 response? 09:05:45

18 A. So I would -- some of this, I just had direct 09:05:46  
19 knowledge of because -- like, especially in Number 1 09:05:52  
20 about the original PIP because I worked with Chief 09:05:55  
21 Thomas on that so I knew -- or Fire Marshal Thomas, 09:06:00  
22 I'm sorry, so I knew what was going on with that one. 09:06:06

23 The issues on Number 2 with the TeleStaff, 09:06:10  
24 those were dealing directly with my employees so I 09:06:14  
25 knew about those issues as well. And then I -- 09:06:17

1	specifically -- so -- and then on the deficiencies,	09:06:23
2	Number 3 and 4, those would have come from	09:06:27
3	information from Fire Marshal Hutchison.	09:06:30
4	Q. Okay. You mentioned the original PIP,	09:06:35
5	correct?	09:06:39
6	A. Correct.	09:06:39
7	Q. PIP, performance improvement plan. And this	09:06:40
8	position statement that was filed by Metro states	09:06:46
9	that Ms. Lawrence was originally put on a PIP by the	09:06:50
10	previous fire marshal, Allison Thomas, who went by	09:06:54
11	Al, correct?	09:06:59
12	A. Correct.	09:06:59
13	Q. Are you in charge of personnel files?	09:07:04
14	A. I am.	09:07:08
15	Q. Okay. And would a PIP go in a personnel	09:07:08
16	file?	09:07:15
17	A. It should.	09:07:15
18	Q. It should?	09:07:16
19	A. It should.	09:07:17
20	Q. Okay. Did Ms. Lawrence's PIP go in -- from	09:07:17
21	Al Thomas go in her personnel file?	09:07:27
22	A. I do not know.	09:07:29
23	Q. Okay. I'm gonna hand you --	09:07:31
24	MR. BIGELOW: Actually, could we mark	09:07:34
25	what I initially gave, the position statement, as	09:07:35

1	Exhibit 1, please?	09:07:39
2	(WHEREUPON, the above-mentioned document	09:07:50
3	was marked as Exhibit Number 1.)	09:07:51
4	BY MR. BIGELOW:	09:07:51
5	Q. And this is rather large, but it is marked	09:07:51
6	MG, I guess Metro Government, 1 through 334. And I'm	09:07:55
7	gonna hand you that, which I'd like ultimately marked	09:08:07
8	as Exhibit 2, please.	09:08:10
9	A. You want me to take this out?	09:08:12
10	Q. Please.	09:08:14
11	(WHEREUPON, the above-mentioned document	09:08:18
12	was marked as Exhibit Number 2.)	09:08:22
13	THE WITNESS: Well...	09:08:22
14	BY MR. BIGELOW:	09:08:22
15	Q. And I know this is a little unorthodox and I	09:08:23
16	apologize for this, but I'm gonna ask you just to	09:08:26
17	kind of flip through that -- I know it's relatively	09:08:29
18	long -- and see if there is any PIP, the PIP we were	09:08:32
19	talking about, from -- the alleged PIP from Al Thomas	09:08:38
20	to Ms. Lawrence that is included in her personnel	09:08:41
21	file.	09:08:53
22	A. Do you know if this is in order by date or do	09:08:53
23	we know or how --	09:08:56
24	MR. PUCKETT: I don't know.	09:08:56
25	THE WITNESS: -- just how we sent --	09:08:56

1	MR. PUCKETT: We probably just Bates	09:08:57
2	stamped in order of how we received it,	09:08:59
3	unfortunately.	09:09:04
4	THE WITNESS: (Reviews document.) My	09:10:21
5	goodness. I know these -- I don't know what these	09:10:23
6	are because there is -- was this glitch in our image	09:12:49
7	system at one point where you have to open it up in a	09:12:55
8	different kind of program or software for older	09:12:59
9	documents.	09:13:03
10	BY MR. BIGELOW:	09:13:03
11	Q. So just -- just let --	09:13:03
12	A. I don't think that's them.	09:13:04
13	Q. Let me just stop you just for a second to be	09:13:05
14	clear.	09:13:05
15	A. Sure.	09:13:05
16	Q. For the court reporter, when you say I don't	09:13:09
17	know what these are, there are, I believe, three or	09:13:12
18	four documents, maybe a few more that are just	09:13:13
19	completely black --	09:13:16
20	A. Yeah.	09:13:16
21	Q. -- where you can't read them. So just let	09:13:17
22	the record reflect -- is that correct, ma'am?	09:13:20
23	A. Correct.	09:13:20
24	Q. Okay.	09:13:21
25	MR. PUCKETT: I could read Bates numbers	09:13:21

1	if you'd like.	09:13:21
2	MR. BIGELOW: Sure.	09:13:24
3	MR. PUCKETT: So it looks like Bates	09:13:24
4	number MG 0000188 consecutive through --	09:13:27
5	MR. BIGELOW: There's more three or four.	09:13:30
6	My apologies. Is that right?	09:13:34
7	MR. PUCKETT: -- MG 0000193.	09:13:36
8	THE WITNESS: Okay. So which perform- --	09:15:58
9	am I looking for the original from Chief Thomas --	09:15:59
10	BY MR. BIGELOW:	09:15:59
11	Q. Yes, ma'am.	09:16:04
12	A. -- or Al Thomas?	09:16:04
13	Q. Yep.	09:16:06
14	A. Al. Okay.	09:16:07
15	Q. Which is the one I'm -- the first one --	09:16:09
16	A. Right.	09:16:11
17	Q. -- that was cited, yes, ma'am.	09:16:11
18	A. No, it's not in here.	09:16:12
19	Q. Okay. Should it be in here?	09:16:16
20	A. Yes, it should.	09:16:18
21	Q. Are your offices in this building?	09:16:19
22	A. They are.	09:16:19
23	Q. How -- how -- would you be able to quickly	09:16:21
24	pull up from your computer or wherever, the system,	09:16:24
25	the performance improvement plan that Al Thomas	09:16:27



1	allegedly gave my client?	09:16:33
2	A. I can find -- I can get the e-mail that he	09:16:34
3	sent, yes.	09:16:39
4	Q. I'm looking for the performance --	09:16:39
5	A. Yeah. It'll be in the e-mail --	09:16:41
6	Q. That --	09:16:41
7	A. -- he had sent.	09:16:44
8	Q. That'd be great. Could I -- could you get a	09:16:44
9	copy of that? Can we just take like --	09:16:44
10	A. Sure.	09:16:44
11	Q. -- a ten-minute break?	09:16:44
12	A. Fine.	09:16:44
13	Q. Do you think that's sufficient enough time?	09:16:49
14	A. Yes, absolutely.	09:16:51
15	Q. Okay. Would the e-mail have the performance	09:16:52
16	improvement plan attached?	09:16:56
17	A. It will.	09:16:56
18	Q. Okay. Great.	09:16:57
19	A. Yeah.	09:16:58
20	THE WITNESS: Do you want me to stop now?	09:16:58
21	MR. BIGELOW: Yeah. We can take a break	09:16:58
22	for a few minutes?	09:17:03
23	MR. PUCKETT: Sure.	09:17:03
24	(Short break.)	09:19:31
25	BY MR. BIGELOW:	09:22:38

1	Q.	Okay. Ms. Summers, you just handed me a	09:22:38
2		document that I'm going to ultimately be asked to be	09:22:42
3		--	09:22:42
4		MR. BIGELOW: Exhibit Number 3?	09:22:49
5		THE REPORTER: Uh-huh.	09:22:51
6		(WHEREUPON, the above-mentioned document	09:22:52
7		was marked as Exhibit Number 3.)	09:22:57
8		BY MR. BIGELOW:	09:22:57
9	Q.	And it is a -- well, what is the document?	09:22:58
10	A.	So this is an e-mail that was sent to Chief	09:23:00
11		Swann and Chief Henderson, copied me, outlining Al	09:23:05
12		Thomas's community risk reduction goals. And the	09:23:11
13		attachments were in the e-mail that he sent with a	09:23:14
14		performance plan for Deputy Fire Marshal Maggie	09:23:18
15		Lawrence, and then the plan is attached with that.	09:23:24
16		So they were technically two documents: The Word	09:23:26
17		document for the performance period and then the	09:23:29
18		performance plan attached to it as well.	09:23:31
19	Q.	Okay. We're gonna delve into these documents	09:23:34
20		in a minute, but I will just note for the record, you	09:23:37
21		would agree that in just the last minute, you said	09:23:41
22		the word performance plan a couple times, correct?	09:23:44
23	A.	Yes.	09:23:48
24	Q.	But you never said the words performance	09:23:49
25		improvement plan?	09:23:51

1	A.	I did not say that, no.	09:23:51
2	Q.	But, yet, in page 2 of Metro's position	09:23:52
3		statement, it's stated that Ms. Lawrence was put on a	09:24:00
4		performance improvement plan, correct?	09:24:03
5	A.	Correct.	09:24:05
6	Q.	So that's not true, is it?	09:24:05
7	A.	Well, that's what -- that's what this	09:24:08
8		document is minus the word improvement. It's still	09:24:11
9		the plan that was to be carried out of taking this	09:24:14
10		community risk reduction and assessment, if you will,	09:24:21
11		or -- and the requirements that he wanted her to	09:24:25
12		fulfill. So I don't know -- I would consider this a	09:24:27
13		performance improvement plan because, otherwise,	09:24:32
14		what -- I don't -- I don't -- I don't really see any	09:24:34
15		difference to be honest with you.	09:24:37
16	Q.	Okay. Well, let's delve into that.	09:24:39
17	A.	Okay.	09:24:39
18	Q.	You just said a second ago these are the	09:24:41
19		requirements that he wanted her to fulfill, correct?	09:24:44
20	A.	Correct.	09:24:46
21	Q.	So it's going forwards, correct? He -- these	09:24:46
22		are things he wanted to fulfill in the future,	09:24:49
23		correct?	09:24:53
24	A.	I would assume that was his plan, yes.	09:24:53
25	Q.	But it's not deficiencies that she didn't	09:24:55

1	fulfill in the past, correct?	09:24:59
2	A. I would assume that's correct.	09:25:00
3	Q. Okay. Because a performance improvement plan	09:25:02
4	addresses deficiencies from the past, correct?	09:25:04
5	A. Correct.	09:25:08
6	Q. Okay.	09:25:09
7	A. If -- can I make a statement with that?	09:25:10
8	Q. Absolutely.	09:25:12
9	A. So this is a requirement by the State that	09:25:12
10	didn't exist, so it was required from the past and we	09:25:15
11	didn't have one. And so that was what they were --	09:25:19
12	and why we didn't have one, I have no idea if it's	09:25:23
13	been required by the State in order to move forward.	09:25:28
14	So I think that was the reason we used the word	09:25:30
15	improvement.	09:25:35
16	Q. Is the word improvement on any of this?	09:25:36
17	A. I'd have to read through it but I don't --	09:25:39
18	Q. Sure.	09:25:39
19	A. -- think so.	09:25:40
20	Q. Okay. In fact, let's go through this page by	09:25:41
21	page.	09:25:44
22	A. Okay.	09:25:44
23	Q. So page 1 is an e-mail from Al Thomas to	09:25:44
24	Chief Swann, Mr. Henderson and where you are cc'ed,	09:25:49
25	correct?	09:25:55

1	A.	Correct.	09:25:55
2	Q.	And the subject is community risk assessment	09:25:55
3		goals, correct?	09:25:59
4	A.	Yes.	09:26:00
5	Q.	And the e-mail notes these two documents	09:26:00
6		outline a one-year plan to conduct a community risk	09:26:04
7		assessment with a goal of producing a community risk	09:26:09
8		reduction plan. The focus is to look at the	09:26:13
9		historical data for causes of fire, the Taylor public	09:26:16
10		education programs that target the highest number of	09:26:20
11		causes, along with the demographic groups that are	09:26:23
12		affected most. In other words, present programs to	09:26:27
13		educate the members of the community who are most at	09:26:30
14		risk and reduce the highest number of instances.	09:26:35
15		Maggie Lawrence will be evaluated on these	09:26:39
16		goals and I'm charging her with creating the same	09:26:44
17		type of evaluation for Mike and Jason. Is that	09:26:47
18		correct?	09:26:51
19	A.	Correct.	09:26:51
20	Q.	So at the end of his e-mail to Chief Swann,	09:26:52
21		Mr. Henderson, and to you, he notes Maggie Lawrence	09:26:57
22		will be evaluated on these goals, correct?	09:27:02
23	A.	Correct.	09:27:05
24	Q.	So it's not we're looking backwards and that	09:27:05
25		we're -- she screwed up and that she has to improve	09:27:11

1	something; it's looking forwards, correct?	09:27:14
2	A. Correct.	09:27:17
3	Q. And, in fact, Al Thomas, the former chief,	09:27:17
4	says I'm charging her with creating the same type of	09:27:21
5	evaluation for Mike and Jason, correct?	09:27:26
6	A. That's what it says, yes.	09:27:29
7	Q. So when he writes creating the same type of	09:27:30
8	evaluation, this is an outline of a plan, again,	09:27:35
9	moving forwards. Would you agree with that?	09:27:41
10	A. Yes.	09:27:43
11	Q. Okay. Do you see how that's different than a	09:27:43
12	performance improvement plan?	09:27:48
13	A. I could see how, yes.	09:27:48
14	Q. Do you think it's the same thing as a	09:27:50
15	performance improvement plan?	09:27:52
16	A. Well, I don't know how to answer that	09:27:53
17	question because we use a lot of just the standard	09:27:59
18	language. But I could see in your question of what	09:28:04
19	are we trying to improve versus what we're trying to	09:28:06
20	create if that's the question.	09:28:10
21	Q. Do you have a form for a performance	09:28:13
22	improvement plan within the fire department?	09:28:17
23	A. Not a -- not a standard form. Everybody does	09:28:19
24	something a little bit different; just depends on who	09:28:22
25	the supervisor is. Some people put them in Word	09:28:24

1	documents like this. Some people actually use the	09:28:28
2	evaluation that's attached. Some of them are used	09:28:31
3	connected to reprimand, if you will. It just depends	09:28:34
4	on who the -- because there's not a standardized	09:28:35
5	performance improvement plan, no.	09:28:39
6	Q. Is this connected to a reprimand?	09:28:40
7	A. This is not, no.	09:28:42
8	Q. Okay. In fact, there's no reprimand at all	09:28:42
9	in this, is there?	09:28:44
10	A. No.	09:28:45
11	Q. Okay. So there's no performance in this that	09:28:45
12	needs to be improved, is there?	09:28:48
13	A. Not that I can see.	09:28:50
14	Q. Okay. So based on that, it's fair to say	09:28:51
15	this is not what you would consider to be a	09:28:54
16	performance improvement plan, correct?	09:28:57
17	A. Not based on what's written, no.	09:28:58
18	Q. Okay. So, again, in the response to -- in	09:29:00
19	Metro's position statement, it states that Ms.	09:29:14
20	Lawrence was originally put on a performance	09:29:17
21	improvement plan by Fire Marshal Al Thomas; that's	09:29:22
22	not correct, would you agree with that?	09:29:23
23	A. The way it's written, no.	09:29:25
24	Q. So you would agree with that?	09:29:27
25	A. The way this is written, I do not -- this	09:29:30

1	wouldn't -- if you want to use the word improvement	09:29:33
2	was not included in this plan, no.	09:29:36
3	Q. So you agree that that's not correct?	09:29:38
4	A. Correct.	09:29:42
5	Q. Okay. In fact, in July of 2019, Fire Marshal	09:29:42
6	Thomas restructured the organization, didn't he, if	09:29:54
7	you recall?	09:29:59
8	A. I don't recall.	09:30:01
9	Q. Okay. Do you recall if they changed -- if	09:30:01
10	Fire Marshal Thomas changed the title of two deputies	09:30:05
11	with Ms. Lawrence's title being changed to fire and	09:30:08
12	life safety community outreach and development?	09:30:12
13	A. I do not know that, no.	09:30:17
14	Q. Okay. If that were true, would that make	09:30:19
15	this make more sense?	09:30:21
16	A. Possibly. I -- we only -- that would be a	09:30:25
17	functioning title, which I wouldn't use or would be	09:30:28
18	used in part of my human resources because of -- in	09:30:31
19	my role. Does that make sense? So --	09:30:34
20	Q. Sure.	09:30:35
21	A. -- whatever -- you know, that would be like	09:30:35
22	my people saying I'm the human resource -- my	09:30:37
23	official title's executive administrator but I go by	09:30:39
24	human resources director. I don't -- in essence, it	09:30:43
25	didn't change my job. It's just -- it's an easier	09:30:46



1	title to say because the other one doesn't -- you	09:30:49
2	know, people don't use that so.	09:30:51
3	Q. At the end of this e-mail that Al Thomas	09:30:55
4	wrote, he states that he's charging Maggie with	09:30:57
5	creating the same type evaluation for Mike and Jason;	09:31:03
6	is that correct?	09:31:09
7	A. Correct.	09:31:09
8	Q. So would you agree then that this was the	09:31:09
9	kind of game plan moving forwards for Maggie Lawrence	09:31:17
10	and that Maggie Lawrence was charged with creating	09:31:26
11	the same type of thing for Mike and Jason?	09:31:28
12	A. Correct.	09:31:31
13	Q. Okay. So Mike and Jason -- when Maggie did	09:31:31
14	that, if she did that, Mike and Jason weren't	09:31:34
15	receiving a performance improvement plan; they were	09:31:39
16	just receiving a here are your kind of job duties	09:31:41
17	moving forwards, correct?	09:31:45
18	A. I would -- yes. But I thought all along this	09:31:46
19	was their job duties. I didn't think this was	09:31:50
20	anything new. That was -- I do know that Maggie was	09:31:53
21	over what we called -- what's the word that they use	09:31:56
22	in here -- life safety or that area of -- in -- and	09:31:59
23	that's -- Mike and Jason were in her area. So I	09:32:03
24	don't -- wouldn't consider that a restructuring.	09:32:07
25	They already worked for her, I thought, unless	09:32:11

1 something changed that I wasn't aware of. 09:32:14

2 Q. Okay. On the fourth page, you'll note that 09:32:15  
3 there it says at the top of the performance plan, 09:32:22  
4 rating period -- and this is towards the right. It 09:32:26  
5 says rating period, July '19, through July 1st, 2020, 09:32:30  
6 correct? 09:32:35

7 A. Correct. 09:32:36

8 Q. And then underneath that, it says: Employee 09:32:36  
9 name, Maggie Lawrence; supervisor name, Al Thomas, 09:32:41  
10 Fire Marshal. And in the kind of black box 09:32:46  
11 underneath that, it says: Please complete this form 09:32:49  
12 to indicate the employer's -- employee's -- I'm 09:32:52  
13 sorry -- major job responsibilities, performance 09:32:57  
14 goals, and developmental goals for the upcoming year. 09:32:58  
15 So it's looking forwards for the upcoming year, 09:33:02  
16 correct? 09:33:05

17 A. Right. 09:33:07

18 Q. The employee's performance on these 09:33:07  
19 components will be evaluated at the end of the year 09:33:08  
20 on the performance evaluation form. During the year, 09:33:12  
21 the employee should be given performance feedback on 09:33:17  
22 these components. Feedback should include 09:33:20  
23 communication between the employee and the supervisor 09:33:24  
24 on the progress of the employee's performance and may 09:33:26  
25 also serve as an opportunity to modify any goals or 09:33:29

1	responsibilities. Did I read that correctly?	09:33:33
2	A. You did.	09:33:35
3	Q. And then underneath that, it says major job	09:33:36
4	responsibilities and it gives five different job	09:33:39
5	responsibilities, correct?	09:33:43
6	A. Yes.	09:33:44
7	Q. Okay. And on the next page, it states --	09:33:44
8	there's a section that says goal setting; is that	09:33:51
9	correct?	09:33:54
10	A. Yes.	09:33:54
11	Q. And there are performance goals, and then	09:33:54
12	there are actions, and then there are benefits,	09:33:58
13	correct?	09:34:02
14	A. Yes.	09:34:02
15	Q. So that's saying, hey, in the next however	09:34:03
16	many days, if it's specified, you need to get these	09:34:07
17	things done, correct?	09:34:11
18	A. Yes.	09:34:13
19	Q. Okay.	09:34:13
20	A. Am I supposed to give this to her now?	09:34:28
21	Q. Please.	09:34:41
22	A. Okay.	09:34:41
23	Q. On page 2 of that same position statement of	09:34:42
24	Metro, kind of under the part where it says Ms.	09:34:48
25	Lawrence was originally put on a performance	09:34:51

1	improvement plan by Fire Marshal Al Thomas, it talks	09:34:54
2	about that it was brought to the attention that the	09:35:00
3	fire -- by the State fire marshal that the Nashville	09:35:07
4	Fire Department does not have an accurate CRR plan;	09:35:10
5	is that correct?	09:35:15
6	A. Yes.	09:35:16
7	Q. And that's community risk reduction plan?	09:35:16
8	A. Yes.	09:35:21
9	Q. What is a CRR plan, do you know?	09:35:21
10	A. I do not.	09:35:24
11	Q. Okay. Who brought it to Nashville Fire	09:35:25
12	Department's attention that they don't have an	09:35:31
13	accurate CRR plan?	09:35:33
14	A. I do not know.	09:35:35
15	Q. On that same page, it says: Ms. Lawrence	09:35:45
16	never completed the tasks under the PIP issued by the	09:35:47
17	previous fire marshal. Again, there was no PIP	09:35:51
18	issued by the previous fire marshal, correct?	09:35:54
19	A. Just the plan, the performance plan, yes.	09:35:56
20	Q. So, in fact, it specifically says -- and	09:36:02
21	I'm -- it's kind of towards the bottom of the	09:36:04
22	paragraph where -- labeled 1, number 1, quote: Ms.	09:36:08
23	Lawrence never completed the tasks under the PIP	09:36:13
24	issued by the previous fire marshal, comma, so Fire	09:36:16
25	Marshal Hutchison needed to place her on another PIP	09:36:21

1	to get this task completed. Did I read that	09:36:23
2	correctly?	09:36:26
3	A. You did.	09:36:27
4	Q. Okay. And then in 2, it says that Ms.	09:36:27
5	Lawrence had issues with the TeleStaff program; is	09:36:31
6	that correct?	09:36:35
7	A. Yeah. Continuing issues, yes.	09:36:35
8	Q. Continuing issues. She failed to approve or	09:36:37
9	enter employees' time and attendance correctly in	09:36:42
10	TeleStaff, correct?	09:36:46
11	A. Correct.	09:36:46
12	Q. Do you know anything about that?	09:36:47
13	A. I do.	09:36:49
14	Q. Okay. Can you tell me about that.	09:36:49
15	A. So TeleStaff is our time and attendance	09:36:51
16	program that we use here -- software here with	09:36:55
17	Nashville Fire Department. So every employee's	09:36:59
18	listed in there with their just regular duty day.	09:37:00
19	And then any time that is adjusted, whether it's	09:37:04
20	overtime, leave, a holdover, a working out of class,	09:37:06
21	or any kind of thing that it's gonna affect payroll	09:37:09
22	that somebody needs to be paid for is entered into	09:37:14
23	this system, and we have cut-off dates. And we have	09:37:16
24	cut-off dates so that payroll can properly get the	09:37:21
25	information. They can extract that data and put it	09:37:23

1 on people's paychecks.

09:37:25

2 And so on multiple issues, multiple times, we  
3 had issues with the time the employees were not --  
4 either worked overtime and it wasn't entered. So the  
5 supervisors have to enter overtime -- we can't enter  
6 our own overtime. It's for check and balances so  
7 that somebody doesn't go in and say, oh, I worked,  
8 you know, six hours and you really didn't. The  
9 supervisor either -- I guess depending on what area  
10 it's in, somebody enters that time for them.  
11 Sometimes it's automatic if we do callbacks; other  
12 times, the supervisors have to do it.

09:37:27

09:37:31

09:37:35

09:37:39

09:37:42

09:37:45

09:37:47

09:37:50

09:37:53

09:37:55

09:37:59

13 And then -- so in order for us to get payroll  
14 ready, we have to lock out TeleStaff, which means  
15 nobody can touch anything. Well, if that doesn't get  
16 done on time, then we have to wait to the next  
17 paycheck. Then it requires somebody to get retro  
18 paid or my staff's got to stop what they're doing,  
19 open TeleStaff, get that time -- I mean, it's all a  
20 timing issue. We have to get our stuff done so  
21 payroll can get their stuff done so they can get it  
22 to Metro payroll so people can get paid.

09:38:01

09:38:03

09:38:06

09:38:09

09:38:13

09:38:15

09:38:19

09:38:21

09:38:25

09:38:25

23 And we send out an e-mail every week,  
24 payroll's closing tomorrow -- or TeleStaff's closing  
25 tomorrow, make sure time and attendance, make sure

09:38:27

09:38:31

09:38:33

1 your time's in, da, da, da, da. And so in this case, 09:38:35  
2 there were multiple times that the -- that she had 09:38:38  
3 failed to get that time either entered or approved in 09:38:40  
4 a timely basis which then required extra work for my 09:38:44  
5 staff or from payroll to get it paid on their next 09:38:49  
6 paycheck if we didn't -- couldn't get it on that 09:38:52  
7 paycheck. 09:38:56  
8 Q. When was that? 09:38:57  
9 A. I want to say -- 09:38:58  
10 Q. Was that when there was -- when it was 09:38:59  
11 Chief -- 09:39:03  
12 A. I want -- 09:39:03  
13 Q. -- Hutchison was the chief? 09:39:04  
14 A. There may have been issues before. I want to 09:39:06  
15 say it started -- I'm not positive about the dates 09:39:10  
16 but -- 09:39:12  
17 Q. Okay. 09:39:12  
18 A. -- I'm not sure if it started beforehand or 09:39:12  
19 not. 09:39:15  
20 Q. Okay. As far as the -- any issues with that, 09:39:15  
21 who brought that to your attention? 09:39:22  
22 A. Jaime Natali who worked in my office at the 09:39:25  
23 time. She was responsible for closing out TeleStaff 09:39:29  
24 and making sure that all the information -- 'cause 09:39:32  
25 it's not just -- once we get that closed, we've got 09:39:34

1 to go back and make sure that all time worked was 09:39:38  
2 compensable for overtime purposes or the change has 09:39:41  
3 to be made too. So if you work 40 hours a week, you 09:39:44  
4 work over, you get paid time and a half. But if you 09:39:48  
5 were out sick and you worked over, that's gonna go 09:39:51  
6 from time and a half to straight time. So all those 09:39:53  
7 changes have to be made. And that's the reason we 09:39:56  
8 give ourself enough time to get that locked out, to 09:39:59  
9 lock down, so that we can make those changes 09:40:01  
10 necessary. 09:40:03

11 Q. Do you know how long Ms. Lawrence has worked 09:40:04  
12 for the fire department? 09:40:06

13 A. I want to say close to 40 years. 09:40:08

14 Q. Okay. Do you know -- I'm sorry, let me put 09:40:11  
15 this different. Prior to -- prior to Chief Hutchison 09:40:16  
16 becoming the chief, do you know of any disciplinary 09:40:25  
17 action that was brought against Ms. Lawrence? 09:40:31

18 A. I'm not aware of any, no. 09:40:33

19 Q. Okay. 09:40:34

20 A. But he gave her a written reprimand. A 09:40:39  
21 reprimand is not disciplinary action. It's just 09:40:43  
22 corrective action. 09:40:45

23 Q. Okay. On page 3 of Metro's position 09:40:46  
24 statement, at the top of it, states that: In a 09:41:09  
25 follow-up meeting related to the progress of the PIP, 09:41:13



1	I saw that he had a disciplinary action form in his	09:41:15
2	hand ready to give to me before I could even	09:41:19
3	demonstrate any progress on my PIP. When I came	09:41:23
4	forward with documentation showing I had fully met	09:41:26
5	all the goals set out in the PIP, he did not give me	09:41:29
6	the disciplinary action form. He was clearly	09:41:32
7	predisposed towards disciplining (sp) me further	09:41:37
8	without any regard for my progress. Were you in- --	09:41:42
9	end quote. Were you involved with any of that --	09:41:45
10	A. Involved --	09:41:48
11	Q. -- discussion?	09:41:49
12	A. -- in any of what?	09:41:50
13	Q. That discussion between Ms. Lawrence and the	09:41:51
14	chief.	09:41:54
15	A. I was in that meeting.	09:41:55
16	Q. You were?	09:41:56
17	A. Uh-huh.	09:41:57
18	Q. Okay. And when was that meeting, if you	09:41:57
19	recall?	09:42:00
20	A. I don't know. Sometime in the -- I can't	09:42:02
21	remember if it was late 2020 or early 2021. But I	09:42:05
22	want to say the original meeting was -- I don't know.	09:42:12
23	I hate to give a date 'cause I don't want to -- but	09:42:19
24	it was within 60 days of when he originally met with	09:42:22
25	her and set out his performance improvement plan.	09:42:26

1 Q. Okay. The response in part states -- this is 09:42:27  
2 about five or six lines down -- a written reprimand, 09:42:31  
3 which is a corrective action and not a disciplinary 09:42:35  
4 action under the Civil Service rules, had been 09:42:38  
5 prepared prior to the meeting since none of the goals 09:42:40  
6 of the PIP had been met within the noted timeframe. 09:42:44  
7 Is that true? 09:42:48  
8 A. Well, we didn't know. That was the purpose. 09:42:49  
9 So the performance improvement plan laid out specific 09:42:52  
10 days and amounts of time, 30 to 45 days of when 09:42:55  
11 things needed to be accomplished. And going into 09:42:59  
12 that meeting, we were unaware that they had been 09:43:02  
13 accomplished. 09:43:06  
14 So, yes, that was true, it was created. And 09:43:06  
15 we showed up at the meeting and she had some of the 09:43:10  
16 stuff done. And that's what Chief Hutchison stated 09:43:13  
17 to her in that meeting is if you had all this done 09:43:16  
18 already, why didn't you give it to me. And she said, 09:43:19  
19 well, 'cause you didn't ask for it, even though he 09:43:21  
20 stated in the plan within the timeframe. So we were 09:43:24  
21 having to go to -- again, I think he was -- felt like 09:43:27  
22 he was having to go to her and say give me what 09:43:30  
23 you've got instead of just turning it over as they 09:43:33  
24 were completed. 09:43:36  
25 Q. But what it -- what it states, actually, is 09:43:37

1	that a written reprimand had been prepared since none	09:43:39
2	of the goals in the PIP had been met within the noted	09:43:44
3	timeframe. It states that, correct?	09:43:47
4	A. Correct.	09:43:50
5	Q. But what you're saying -- and please correct	09:43:51
6	me if I'm wrong -- is what it really should have	09:43:54
7	stated was a written reprimand had been prepared	09:43:57
8	prior to the meeting since we believed that none of	09:44:01
9	the goals in the PIP had been met within the noted	09:44:05
10	timeframe?	09:44:09
11	A. Well, we state in the very next sentence that	09:44:09
12	Ms. Lawrence brought the documentation with her to	09:44:12
13	the meeting that showed she was working or -- well,	09:44:14
14	that should say working -- on some of the items	09:44:17
15	identified in the PIP. So this -- to me, what this	09:44:21
16	is saying is it's explaining what happened in that	09:44:25
17	meeting. I'm not saying that we believed it hadn't	09:44:29
18	been done. At the time, we had no idea it hadn't	09:44:31
19	been so we didn't know. And then we -- she brought	09:44:34
20	them to the meeting which is stated in the next	09:44:36
21	sentence.	09:44:39
22	Q. So they had been completed?	09:44:39
23	A. Some of them according to the way this is	09:44:41
24	written. But then it also says that the goals --	09:44:44
25	however -- where am I? I've lost it. During the	09:44:45

1	meeting they dis- -- showed prog- -- that some	09:44:47
2	progress had been made. And I don't know the	09:44:49
3	specifics about which -- what was there and what	09:44:51
4	wasn't, but we had a very lengthy meeting, close to	09:44:54
5	probably an hour. And she had a whole bunch of	09:44:59
6	documents. And I think that even Chief Hutchison	09:45:01
7	noted that some of the stuff was done but that more	09:45:03
8	needed attention.	09:45:07
9	Q. Okay. You mentioned Chief Hutchison. Now,	09:45:09
10	Chief Hutchison became the chief when, do you know?	09:45:12
11	A. I don't.	09:45:14
12	Q. Do you know -- well, when did you first learn	09:45:15
13	about Chief Hutchison --	09:45:21
14	A. Well --	09:45:22
15	Q. -- like as a -- as a --	09:45:23
16	A. As a person?	09:45:24
17	Q. -- an employee? As an employee.	09:45:24
18	A. Gosh, I don't know. Eight, ten years ago	09:45:29
19	when I came here.	09:45:31
20	Q. Okay. What was his job at that time?	09:45:32
21	A. I don't know what he was when I -- was when I	09:45:35
22	first came here but I do -- he may have still been in	09:45:36
23	the field. At some point, he left operations --	09:45:39
24	field operations and went to the training academy to	09:45:42
25	be this -- an instructor.	09:45:45

1	Q.	Explain what that is.	09:45:46
2	A.	So they're the people who train and get all	09:45:48
3		of our employees, our new fire recruits, passed on	09:45:51
4		their tests to get their EMT license and get them out	09:45:56
5		in the field. He's a trainer.	09:45:59
6	Q.	And did he -- when he came to the fire	09:46:03
7		marshal's office, do you know of his past experience?	09:46:10
8		You said he was a trainer for field recruits,	09:46:14
9		correct?	09:46:17
10	A.	Correct.	09:46:17
11	Q.	Do you know what else he did?	09:46:17
12	A.	He owned a construction business on the side,	09:46:19
13		but I don't -- I mean, we weren't -- I didn't know	09:46:21
14		him personally.	09:46:25
15	Q.	Do you know the name of that construction	09:46:30
16		business?	09:46:33
17	A.	I don't.	09:46:33
18	Q.	Okay. What else did he do with regards to	09:46:33
19		the fire department?	09:46:39
20	A.	Meaning like his history?	09:46:43
21	Q.	Yes, ma'am.	09:46:45
22	A.	Oh, I -- he -- I know that he was a	09:46:45
23		firefighter. I do not know if he was an engineer. I	09:46:48
24		know, at one point, he was a captain and then an	09:46:52
25		instructor.	09:46:55

1	Q.	Okay. And how high up along the rung of the	09:46:55
2		fire department is that?	09:47:00
3	A.	So it's your first level of supervision in	09:47:01
4		the fire -- like in the field operations, which would	09:47:07
5		be the equivalent of the assistant fire marshal.	09:47:12
6		Like those are the same grade kind of rank, your	09:47:13
7		first level of supervision; that's what his -- where	09:47:15
8		he was when he was -- left the field and went to the	09:47:18
9		academy.	09:47:22
10	Q.	Okay. And then how many levels of	09:47:22
11		supervision are there before you get to the fire	09:47:24
12		marshal?	09:47:26
13	A.	One.	09:47:26
14	Q.	Okay. So there's --	09:47:27
15	A.	Well, two if you count the assistant fire	09:47:28
16		marshal so --	09:47:32
17	Q.	Okay. So he was a level one kind of -- based	09:47:32
18		on what you're saying when he came here?	09:47:35
19	A.	I call it a first-line supervisor.	09:47:39
20	Q.	First-line supervisor?	09:47:40
21	A.	I don't know if that's what -- if he was	09:47:42
22		already a district chief when he came to the fire	09:47:45
23		marshal's office or not. I don't -- I don't know --	09:47:49
24		I don't have that timeframe. I'd have to look at it.	09:47:51
25	Q.	And when he was a first-line supervisor,	09:47:54

1	what -- was Maggie a second-line supervisor?	09:47:56
2	A. I don't know what year. I want to say -- I	09:48:00
3	don't know what year she became a deputy fire	09:48:02
4	marshal, so I don't know what year that was.	09:48:05
5	Q. Is a deputy fire marshal a second-line	09:48:08
6	supervisor?	09:48:10
7	A. Yes.	09:48:10
8	Q. Okay. So if Mr. Hutchison came over here as	09:48:11
9	a first-line supervisor, when -- if -- if Maggie was	09:48:16
10	an assistant fire marshal, she would have been a	09:48:21
11	second-line supervisor; is that correct?	09:48:25
12	A. Yeah. She would have been a level above	09:48:26
13	him --	09:48:28
14	Q. A level above.	09:48:28
15	A. -- if he was still captain when he came over.	09:48:30
16	Q. Okay. Do you know how he became aware or do	09:48:34
17	you know how the fire marshal's office made him aware	09:48:38
18	of the opening that he ultimately received, the --	09:48:41
19	becoming the fire marshal?	09:48:44
20	A. Well, there wasn't an opening at the time.	09:48:46
21	There was -- Al Thomas was the fire marshal --	09:48:50
22	Q. Okay.	09:48:52
23	A. -- still. And I don't know how that whole	09:48:53
24	thing came about. I just know that it happened.	09:48:56
25	Q. Okay. Was there a posting?	09:48:58

1 A. No. You don't -- the chief can assign anyone 09:49:05  
2 in this department to work anywhere that he deems 09:49:09  
3 necessary. And so by assignment, he was an 09:49:13  
4 instructor. And Chief brought him out of the fire 09:49:16  
5 marshal -- I mean out of the training academy and 09:49:18  
6 assigned him to the fire marshal's office at the time 09:49:21  
7 to shadow Al Thomas to learn more about the office 09:49:24  
8 downstairs and the day-to-day operations of it. 09:49:29  
9 Q. Do you have any understanding as to why that 09:49:32  
10 took place? 09:49:35  
11 A. I have -- what I was told, which is that 09:49:37  
12 Chief Swann wanted to work on that division. It was 09:49:41  
13 our only division at the time that was just -- we had 09:49:47  
14 no succession planning going forward; that Al Thomas 09:49:50  
15 hasn't done anything or prepared anyone to take on 09:49:55  
16 that division in our long-term goals, three to five 09:49:57  
17 years, five to ten years what's gonna happen next. 09:50:00  
18 We'd just done that at logistics. We had a plan in 09:50:05  
19 place in EMS. And so as a department, he was trying 09:50:09  
20 to move us forward so that we had a plan when Al left 09:50:12  
21 of what was gonna happened next. And that was what 09:50:17  
22 the purpose of it was for. 09:50:20  
23 Q. Do you find it odd that someone outside of 09:50:23  
24 the fire marshal's office was brought in to 09:50:30  
25 ultimately become the fire marshal? 09:50:38



1	A.	Not at all. It's happened the past three	09:50:40
2		fire marshals we've had.	09:50:42
3	Q.	Okay. So all three fire marshals prior were	09:50:43
4		brought in from other --	09:50:47
5	A.	Correct.	09:50:48
6	Q.	-- departments and brought over to run the	09:50:48
7		fire marshal's office?	09:50:52
8	A.	They were -- so Al Thomas had left here. We	09:50:53
9		rehired him back to be the fire marshal. Before	09:50:56
10		that, it was Chief Henderson who's the deputy chief	09:50:59
11		over operations. Before that, it was Steve Holt who	09:51:02
12		was also a deputy chief over operations. And before	09:51:05
13		that, it was Dave Birdwell who was the chief training	09:51:08
14		officer at the fire academy. Those were all what	09:51:12
15		happened after Danny Hunt retired who was the first	09:51:15
16		fire -- well, who was the fire marshal when I came	09:51:18
17		here and had been the fire marshal forever, like	09:51:19
18		20-something years maybe; a long time.	09:51:23
19	Q.	Do you know the Civil Service rules as far as	09:51:25
20		what is supposed to be posted jobwise and what is not	09:51:27
21		supposed to be posted?	09:51:31
22	A.	I do.	09:51:32
23	Q.	And can you tell me how that's decided.	09:51:33
24	A.	Yeah. So the law requires that we have a	09:51:36
25		fire marshal and the State law requires that the fire	09:51:38

1	marshal is to be appointed and named by Chief Swann	09:51:42
2	with -- I think the mayor has to approve it, sign off	09:51:46
3	on it. But the Civil Service only requires that we	09:51:51
4	have a named fire marshal. It doesn't require that	09:51:54
5	we have a promotional process to name someone into	09:51:58
6	that classification.	09:52:01
7	Q. So are you saying that no posting is	09:52:13
8	necessary for a fire marshal's position?	09:52:16
9	A. Correct.	09:52:20
10	Q. Okay. Was --	09:52:21
11	A. And let me restate that. The fire marshal	09:52:22
12	position is a position. It's somebody who serves in	09:52:27
13	that role, but we do not have to post the	09:52:32
14	classification. Anyone of any title, if they meet	09:52:35
15	the State requirements, can be the fire marshal if	09:52:39
16	Chief Swann appoints them as such. Does that make	09:52:42
17	sense?	09:52:45
18	Q. So what I'm hearing you say --	09:52:47
19	And I'm just trying to -- I just --	09:52:51
20	A. Sure.	09:52:52
21	Q. -- want to get to the truth, right?	09:52:52
22	A. Sure.	09:52:56
23	Q. -- is that there are no set qualifications to	09:52:56
24	become the fire marshal; anyone can become the fire	09:53:00
25	marshal?	09:53:02

1 A. There are State requirements. The Tennessee 09:53:02  
2 Code Annotated lays out the requirements. And I 09:53:05  
3 don't have those in front of me, but they're very 09:53:08  
4 specific of what has to happen. And it gives the 09:53:10  
5 discretion of the chief to make that recommendation 09:53:14  
6 that then has to be signed off by the State fire 09:53:16  
7 marshal. 09:53:20  
8 Q. So as long as you meet the State 09:53:20  
9 requirements, you can -- one can become a fire 09:53:23  
10 marshal, correct? 09:53:26  
11 A. Correct. 09:53:26  
12 Q. But what I'm trying to get at is whether that 09:53:26  
13 job opening needs to be posted; that there -- does it 09:53:31  
14 need to be posted under -- 09:53:37  
15 A. I don't think so. 09:53:39  
16 Q. Okay. So if -- do you know under the Civil 09:53:39  
17 Service rules if it needs to be posted? 09:53:47  
18 A. I don't think anywhere it states that a 09:53:50  
19 position has to be posted as a promotional for 09:53:53  
20 someone to take that job. So if we have -- now, if 09:53:57  
21 we were gonna go -- in this case, use Al Thomas. We 09:54:00  
22 had to post a position -- which it was not called the 09:54:03  
23 fire marshal. It was called the executive 09:54:06  
24 administrator of fire. We hired him off that list. 09:54:09  
25 So there are requirements that you have to be on a 09:54:12

1 register for certain type of jobs. 09:54:15

2 So when Maggie made deputy fire marshal, 09:54:17  
3 that's a promotional process. People compete for 09:54:19  
4 that job. But the chart -- but even if we made her 09:54:22  
5 the deputy fire marshal, Chief could assign her 09:54:26  
6 anywhere in this department he wanted to even if 09:54:30  
7 that's the title that she holds per the charter. He 09:54:33  
8 makes the assignments of all of his employees. 09:54:36

9 So, for example, Commander Ramsey who's at 09:54:39  
10 logistics was a fire district chief in operations and 09:54:41  
11 was pulled out of that and assigned to the logistics 09:54:45  
12 division to run logistics. Brian Butler, the same 09:54:48  
13 way, he was a district chief working in 09:54:53  
14 administration for headquarters; pulled out of 09:54:56  
15 headquarters and moved out to become the district 09:55:00  
16 underneath, the level-two supervisor, to Commander 09:55:01  
17 Ramsey at logistics. 09:55:03

18 Chief Jordan who's at the academy is the same 09:55:06  
19 way, field operations. So Chief Tony, how he came up 09:55:09  
20 here, he came out of safety. He went out of the 09:55:13  
21 field into safety and then up to administration. So 09:55:14  
22 there's different career paths but you don't -- we 09:55:17  
23 don't -- every time we have an opening in a division, 09:55:20  
24 we don't necessarily post that job. 09:55:23

25 Q. You just mentioned a whole number of 09:55:23

1	different people, correct --	09:55:27
2	A. Yeah.	09:55:28
3	Q. -- in the last 30 seconds? For all of those	09:55:28
4	different positions, were there ever postings or did	09:55:31
5	people in the fire department just decide who they	09:55:35
6	wanted for the job and pick them?	09:55:39
7	A. They were not posted, no.	09:55:40
8	Q. So all of those positions, some -- the chief	09:55:42
9	just has discretion to say I want you from wherever,	09:55:44
10	come here, I want you, so on and so forth?	09:55:47
11	A. Correct.	09:55:50
12	Q. Okay. And had you -- has that always been	09:55:50
13	true?	09:55:55
14	A. Since I've been here.	09:55:56
15	Q. Okay. So, basically, as long -- it's kind of	09:55:57
16	like -- it's my understanding, at least, that within	09:56:01
17	certain sections of Metro, the individual who's at	09:56:09
18	the top can just pick whoever they want to be in	09:56:13
19	their division; is that true?	09:56:16
20	A. If they already work for that department and	09:56:18
21	they are willing to take that position for the money	09:56:22
22	that they're making at the time, sure. So --	09:56:25
23	Q. What about people who are outside of Metro,	09:56:29
24	how are they supposed to learn of an opening? Is it	09:56:33
25	just --	09:56:36

1 A. No, those, we would have to post. So there's 09:56:37  
2 different kinds of postings. There are department 09:56:41  
3 only, Metro-wide, and what they call open 09:56:43  
4 competitive. That's for anyone who doesn't work 09:56:47  
5 outside of Metro. It also -- I mean, people who 09:56:51  
6 works outside of Metro. It's also for people who may 09:56:51  
7 be in a non Civil Service at the health department 09:56:56  
8 and they want to come work for us. They have to post 09:56:57  
9 because we are a Civil Service department. So you 09:57:00  
10 get hired in entry level, the bottom, in a number of 09:57:01  
11 different ways through Civil Service postings. And 09:57:05  
12 then you can move up through postings -- I mean, 09:57:08  
13 through position openings for promotions but can be 09:57:12  
14 assigned anywhere. 09:57:15  
15 Q. I guess what I'm trying to say is what if I 09:57:16  
16 was a fire marshal in Cheatham County and I wanted to 09:57:20  
17 move to Nashville to become the fire marshal, how 09:57:24  
18 would -- how would I know that there's an open 09:57:27  
19 position, or I just wouldn't? 09:57:29  
20 A. You wouldn't unless we posted that. 09:57:30  
21 Q. Who decides what's posted and what's not? 09:57:34  
22 A. Chief Swann will -- we will have meetings -- 09:57:38  
23 I mean, it's ultimately his decision, but we have 09:57:40  
24 meetings to discuss things like that. For example, 09:57:43  
25 Chief White is the one who brought back Al Thomas who 09:57:47

1 had left here -- had retired and left, and Chief 09:57:50  
2 White was the one who wanted to bring him back and 09:57:54  
3 run the administrative division. So he was hired to 09:57:58  
4 be over all the buildings, new buildings, things like 09:58:00  
5 that that we were building and then was assigned to 09:58:05  
6 be the fire marshal as well. 09:58:07  
7 Q. Are there interviews with regards to being a 09:58:08  
8 fire marshal when you decide that you want to apply 09:58:11  
9 for a position? 09:58:15  
10 A. If it was posted; meaning if we had a 09:58:17  
11 promotional process, then, yes, that would require an 09:58:21  
12 interview. But we don't have to do -- we don't have 09:58:25  
13 to do interviews for people who already work here. 09:58:29  
14 Q. And I'm not trying to belabor the point. I'm 09:58:45  
15 just trying to wrap my head around -- you just stated 09:58:49  
16 if there is a promotional process, then there are 09:58:53  
17 interviews, but if there's not a promotional process, 09:58:56  
18 then there does not have to be an interview; is that 09:59:00  
19 correct? 09:59:03  
20 A. No. Promotional -- a promotional process is 09:59:03  
21 laid out in Civil Service about what has to happen. 09:59:07  
22 And it doesn't have to necessarily be an interview. 09:59:09  
23 It could be a written test. It can be a mixture of 09:59:11  
24 written and an interview. But for some of them, we 09:59:14  
25 may do a practical test. It just depends on what the 09:59:19

1	job is. And if it's posted by Civil Service rules,	09:59:23
2	then we would follow those rules. But not every job	09:59:26
3	requires -- movement within inside the department	09:59:31
4	requires it to be posted.	09:59:35
5	Q. You had stated earlier that Chief Hutchison	09:59:38
6	owned a construction business on the side?	09:59:46
7	A. That's my understanding, yes.	09:59:48
8	Q. Do you know the name of that construction	09:59:49
9	business?	09:59:51
10	A. I do not.	09:59:51
11	Q. So do you know how much time or effort he	09:59:52
12	took for that construction business?	09:59:57
13	A. I do not.	09:59:59
14	Q. Okay. So as long as he met the basic	09:59:59
15	qualifications as -- to become a -- become a fire	10:00:06
16	marshal, no one would even have to look into how much	10:00:12
17	time he spent for that construction business; is that	10:00:16
18	correct?	10:00:20
19	A. I don't understand the question.	10:00:20
20	Q. Okay. Let me put it this way, if I met the	10:00:21
21	basic qualifications to become the fire marshal --	10:00:25
22	Okay?	10:00:28
23	A. Okay.	10:00:28
24	Q. -- currently, but I also ran a construction	10:00:29
25	business at the same time --	10:00:33



1	Okay?	10:00:34
2	Let's pretend that I spent eight hours a day	10:00:36
3	running my construction business. The chief could	10:00:41
4	still say, hey, Bigelow, I like you the best and I'm	10:00:46
5	gonna make you the fire marshal; is that correct?	10:00:51
6	A. Well, I don't know what one thing has to do	10:00:55
7	with the other. I think that's where I'm -- I don't	10:00:57
8	know what the construction business -- I don't know	10:01:00
9	if that business is accurate, if he -- I mean, if	10:01:01
10	it's still open, if he stopped doing that when he --	10:01:03
11	most employees in the fire department who work on	10:01:07
12	shift, fire, EMS, 24, 48, they own businesses on the	10:01:09
13	side because they're not working five days a week.	10:01:13
14	So for all I know, Mr. Hutchison let his construction	10:01:16
15	business go when he went to the training academy;	10:01:21
16	he's working five days a week. I don't know that.	10:01:24
17	Q. Okay.	10:01:26
18	A. I -- I guess I'm trying -- I don't understand	10:01:27
19	your question about working as -- in construction and	10:01:29
20	being the fire marshal.	10:01:31
21	Q. Okay. Let me -- let me phrase it	10:01:32
22	differently. Let's pretend that I wanted to be the	10:01:35
23	fire marshal and I met -- you had said earlier	10:01:39
24	there's basic qualifications you need to meet to	10:01:43
25	become the fire marshal. Right?	10:01:47

1	A.	Right.	10:01:47
2	Q.	Assume for this sake I meet all of those	10:01:48
3		qualifications today.	10:01:52
4		Okay?	10:01:53
5	A.	Okay.	10:01:54
6	Q.	But I also have a construction business and I	10:01:54
7		spend 75 hours a week working on my construction	10:02:03
8		business. Assume those things as fact. Okay?	10:02:08
9	A.	Okay.	10:02:11
10	Q.	Chief Swann today could say if he wanted,	10:02:11
11		based on what you're telling me, hey, Robb Bigelow, I	10:02:17
12		want you to be the new fire marshal --	10:02:21
13		MR. PUCKETT: Object to the form.	10:02:22
14		BY MR. BIGELOW:	10:02:22
15	Q.	-- is that correct?	10:02:24
16	A.	Well, you would have -- do you currently work	10:02:24
17		for the fire department?	10:02:26
18	Q.	I currently work for the fire department,	10:02:27
19		correct.	10:02:29
20	A.	I would struggle to see how you would have 75	10:02:29
21		hours a week to --	10:02:32
22	Q.	Okay. Let's say -- let's say 25 -- let's say	10:02:33
23		25 hours a week.	10:02:35
24	A.	Okay.	10:02:36
25		MR. PUCKETT: Object to the form.	10:02:36

1	THE WITNESS: Sorry. And so -- and you	10:02:37
2	currently work for the fire department --	10:02:38
3	BY MR. BIGELOW:	10:02:38
4	Q. Yep.	10:02:40
5	A. -- as a what, just anything, firefighter?	10:02:40
6	Q. As a -- the same thing that Chief	10:02:44
7	Hutchison --	10:02:44
8	A. Gotcha.	10:02:49
9	Q. -- used to work for.	10:02:49
10	A. Then, yes --	10:02:51
11	Q. Okay.	10:02:52
12	A. -- the chief could do that.	10:02:52
13	Q. Okay. How long have you known Maggie?	10:02:55
14	A. Well, I think we knew each other before I	10:03:14
15	came to work here, so it's been a while. I was	10:03:17
16	the -- I started in Metro in 1998 and I was the field	10:03:20
17	rep for the fire department. So I've been working	10:03:24
18	with the fire department for a long but I'd say 20	10:03:27
19	years probably.	10:03:29
20	Q. Did you have a good relationship with her?	10:03:30
21	A. I think so.	10:03:32
22	Q. Okay. If she had been given the position of	10:03:34
23	fire marshal, would it have surprised you?	10:03:41
24	A. I don't know how to answer that. I mean,	10:03:48
25	what do you mean by surprised, like if Chief had	10:03:50

1 named her the fire marshal?

10:03:52

2 Q. Yeah. Yeah.

10:03:54

3 A. Yes, I would have probably been surprised.

10:03:56

4 Q. Why?

10:03:58

5 A. Because I know that Maggie does a really good

10:03:59

6 job doing her job, but I don't see anything -- I've

10:04:04

7 seen the downward slope of the fire marshal's office

10:04:07

8 over a period of years. And I thought at the time

10:04:12

9 when Al came back in that that was gonna turn the

10:04:17

10 department around or turn that division around and

10:04:21

11 traject it kind of forward and it didn't.

10:04:24

12 So I think I noted in some of my responses --

10:04:27

13 and no disrespect whatsoever, but there's just the

10:04:34

14 lack of the ability to manage. As I noted in the --

10:04:38

15 I think my EEOC report; not this one in the

10:04:42

16 complaint, the fire marshal's office, they had the

10:04:47

17 front desk in 2016. They were responsible for the

10:04:50

18 front desk. And there was a not-so-great employee

10:04:53

19 down there and she had issues. They didn't know how

10:04:57

20 to manage the front desk, the people, the time, the

10:05:01

21 answering the phones so I had to take it back over

10:05:04

22 and then run it until Al Thomas got here.

10:05:07

23 And even then, I had to have a lot of input

10:05:10

24 with the front desk because it couldn't be managed

10:05:13

25 downstairs. Now, I don't know what the setup was or

10:05:17

1 who was responsible for it, but there were issues 10:05:21  
2 like that after -- the same with TeleStaff after 10:05:24  
3 multiple times going through this trying to, you 10:05:26  
4 know, work through the -- the TeleStaff issue wasn't 10:05:33  
5 done. And I just didn't see a lot of initiative 10:05:38  
6 there to be honest. 10:05:41  
7 Q. You just mentioned a second ago you don't 10:05:46  
8 know who was responsible for that, correct? 10:05:49  
9 A. Who was responsible at -- who was -- 10:05:52  
10 Q. For the -- 10:05:52  
11 A. -- supposed to oversee the front desk. 10:05:54  
12 Q. So if you don't know who was responsible to 10:05:56  
13 oversee the front desk, why would you say that that 10:06:00  
14 was Maggie's fault if things were going wrong? 10:06:03  
15 A. Because she was the highest ranking fire 10:06:06  
16 marshal or dep- -- she was the highest ranking 10:06:10  
17 supervisor down there at that time. So even if it 10:06:12  
18 wasn't directly her, if it was one of her 10:06:15  
19 subordinates, she would still be responsible for it 10:06:18  
20 as the deputy fire marshal in the fire marshal's 10:06:21  
21 office. 10:06:24  
22 Q. Do you know if she ever got written up for 10:06:24  
23 that or reprimanded? 10:06:28  
24 A. No. I was instructed at the time by the Fire 10:06:29  
25 Marshal Holt to just do him a favor and take that 10:06:31

1	over because he was tired of listening to it.	10:06:34
2	Q. This was under Fire Marshal Holt you're	10:06:40
3	saying?	10:06:43
4	A. Yes, Steve Holt.	10:06:44
5	Q. Okay. And what year was that?	10:06:44
6	A. 2016, 2017.	10:06:46
7	Q. What -- and who was the next fire marshal?	10:06:49
8	A. Then it was Al Thomas.	10:06:53
9	Q. Was it your understanding that Fire Marshal	10:06:57
10	Thomas was planning on Maggie to succeed him?	10:07:01
11	A. It was not my understanding.	10:07:06
12	Q. Okay. What was your understanding?	10:07:07
13	A. I don't know that he had a plan. And I think	10:07:10
14	that's what started -- in fact, it's my understanding	10:07:13
15	from Chief Swann and the conversations that I've been	10:07:17
16	involved in that they brought in Al to -- because his	10:07:20
17	argument for everything that wasn't being done or was	10:07:26
18	being done wrong was I don't have any help, I don't	10:07:30
19	have anyone who can do it so I'm doing it all myself.	10:07:34
20	And so that's kind of what kicked this off.	10:07:37
21	And it wasn't until Chief Hutchison's name was	10:07:39
22	brought into the picture that all of the sudden Al	10:07:43
23	wanted Maggie to be the next fire marshal.	10:07:46
24	Q. Okay. I'm missing something. I had just	10:07:57
25	asked you if it was your understanding if Al wanted	10:08:00

1	Maggie to be the next fire marshal. And my	10:08:04
2	understanding was you said, no, that's not true. But	10:08:07
3	at that -- the very end of what you just said, you	10:08:09
4	said that's when Al wanted Maggie to be the next fire	10:08:14
5	marshal.	10:08:18
6	A. I can restate. I'll restate --	10:08:18
7	Q. But that's -- but that's what you said,	10:08:21
8	though, correct?	10:08:23
9	A. My -- if I didn't preface it, I went -- I	10:08:23
10	should have said in the beginning, that was not my	10:08:26
11	understanding. But it became my understanding after	10:08:30
12	Al saw the writing on the wall that he wasn't able to	10:08:32
13	keep his division -- you know, to prepare the	10:08:36
14	division and move it forward. And then that's when I	10:08:39
15	guess he stated that he wanted Maggie to be the fire	10:08:43
16	marshal. At least that's what I've been told.	10:08:47
17	Q. So the answer was, yes, at some point, it's	10:08:50
18	your understanding that Al wanted Maggie to be the	10:08:53
19	next fire marshal?	10:08:55
20	A. At some point, yes.	10:08:56
21	Q. Okay. Do you know how old Chief Hutchison	10:08:57
22	is?	10:09:04
23	A. 48. 47, 48.	10:09:05
24	Q. Okay.	10:09:06
25	A. Something -- I think he just had a birthday.	10:09:08

1	I'm not positive.	10:09:10
2	Q. Even though opposing counsel already has it,	10:09:20
3	I know I'm gonna hand him a little packet, complaint	10:09:23
4	and the answer. I'm gonna hand you the same thing,	10:09:27
5	ma'am.	10:09:30
6	A. Do I hold onto this position statement?	10:09:31
7	Q. Is it al- -- do you already --	10:09:36
8	A. She's already Bates stamped it.	10:09:37
9	Q. Then I think you're fine. We'll know --	10:09:39
10	A. I mean, not -- whatever that's called, maybe	10:09:41
11	stamped it. Okay.	10:09:44
12	Q. Do you recognize what I just handed you?	10:09:55
13	A. I do.	10:09:56
14	Q. Okay. And the first document is the	10:09:57
15	complaint, correct?	10:10:00
16	A. Yes.	10:10:01
17	Q. And the second is Metro's answer to the	10:10:02
18	complaint, correct?	10:10:07
19	A. Yes.	10:10:07
20	Q. Okay.	10:10:07
21	MR. BIGELOW: Could I have those marked	10:10:09
22	separately, please?	10:10:09
23	THE REPORTER: Which one would you like	10:10:12
24	first?	10:10:13
25	MR. BIGELOW: The complaint be the first,	10:10:14



1	which I guess would be, what, Exhibit Number 4, and	10:10:21
2	then the answer being Exhibit Number 5. Thank you.	10:10:24
3	(WHEREUPON, the above-mentioned documents	10:10:38
4	were respectively marked as Exhibit Number 4 and	10:10:38
5	Exhibit Number 5.)	10:10:39
6	BY MR. BIGELOW:	10:10:40
7	Q. I'm gonna do my best to get you out of here	10:10:41
8	by lunch, but we're gonna take a little bit of time	10:10:44
9	and read over the complaint and the answer. Okay?	10:10:46
10	A. Okay.	10:10:48
11	Q. I'm gonna start with the complaint. It	10:10:52
12	starts: Maggie Lawrence is a 64-year-old African	10:10:57
13	American woman who has been a dedicated employee of	10:11:00
14	the Nashville Fire Department for over 30 years.	10:11:03
15	Well, would you agree with that statement?	10:11:06
16	A. Yes.	10:11:08
17	Q. Okay. In recognition of her outstanding	10:11:08
18	efforts and consistent performance, her former boss,	10:11:11
19	Al Thomas, was grooming her to succeed him as fire	10:11:16
20	marshal. Would you also agree with that based on	10:11:19
21	what you just said a minute ago?	10:11:21
22	A. After he knew that he was -- after he knew	10:11:24
23	that he was -- that we were gonna bring Chief	10:11:26
24	Hutchison over, yes.	10:11:28
25	Q. Okay. So it's your understanding that he	10:11:30

1	only wanted Maggie to become fire marshal after he	10:11:33
2	knew that someone else -- that someone else had been	10:11:36
3	handpicked?	10:11:39
4	A. I think he saw the writing on the wall. He	10:11:40
5	saw the issues that he had going on down there that	10:11:43
6	he wasn't able to fix, and that when Chief mentioned	10:11:47
7	bringing Hutchison over there -- down there to shadow	10:11:52
8	him, that's when he decided that he wanted Maggie to	10:11:55
9	succeed him. I don't think before that he ever	10:12:00
10	mentioned it to anyone that I'm aware of.	10:12:03
11	Q. Okay. As Ms. Lawrence -- I'm reading more --	10:12:05
12	as Ms. Lawrence was preparing to become Nashville	10:12:12
13	Fire Department's first female fire marshal, the	10:12:18
14	department's chief took drastic measures to ensure	10:12:18
15	that the good ol' boys' club stayed in place. My	10:12:22
16	guess is you're gonna disagree with that.	10:12:26
17	A. I am.	10:12:28
18	Q. But you would agree, I believe, that there's	10:12:29
19	never been a female fire marshal in Davidson County;	10:12:31
20	is that correct?	10:12:34
21	A. Not that I'm aware of, not for the Nashville	10:12:35
22	Fire Department.	10:12:37
23	Q. That's what I'm saying.	10:12:37
24	A. No.	10:12:42
25	Q. Okay. He reassigned a significantly younger,	10:12:42

1 less experienced male employee from another 10:12:46  
2 department to the fire marshal's office and 10:12:49  
3 instructed Ms. Lawrence and her boss to train him to 10:12:52  
4 take over. 10:12:57  
5 MR. PUCKETT: Object to the form. 10:12:58  
6 BY MR. BIGELOW: 10:12:59  
7 Q. That's what -- that's what I just read. And 10:13:00  
8 I'm just gonna ask you -- 10:13:02  
9 MR. BIGELOW: I -- did I misread that? 10:13:04  
10 MR. PUCKETT: No, no. I'm sorry. Go 10:13:05  
11 ahead. Finish your question. 10:13:07  
12 MR. BIGELOW: Did I misread that? I 10:13:09  
13 don't think I did but -- 10:13:11  
14 MR. PUCKETT: No, you did not. 10:13:11  
15 BY MR. BIGELOW: 10:13:13  
16 Q. Okay. Would you agree with that? 10:13:13  
17 MR. PUCKETT: Object to the form. 10:13:14  
18 THE WITNESS: I don't know if I would 10:13:21  
19 agree with less experienced or what defines 10:13:23  
20 significantly younger. But Mr. Hutchison is younger 10:13:27  
21 and, no, he hadn't worked in the fire marshal's 10:13:29  
22 office before, but I don't know if that means he's 10:13:33  
23 less experienced. Our firefighters have plenty of 10:13:36  
24 experience with preplans and looking at departments. 10:13:40  
25 And a lot of them for a long time even held fire 10:13:42

1	inspector certifications. So I don't know -- I --	10:13:47
2	that I would agree with a less experienced man, male	10:13:49
3	employee.	10:13:54
4	And I think, initially, he instructed Mr.	10:13:54
5	Thomas to train him. And it wasn't until Thomas was	10:13:58
6	terminated that then he started working with Maggie.	10:14:01
7	At least that's my understanding.	10:14:05
8	BY MR. BIGELOW:	10:14:05
9	Q. Okay. I'm gonna break this down a little bit	10:14:07
10	more.	10:14:10
11	A. Okay.	10:14:10
12	Q. Would you agree that Mr. Hutchison is around	10:14:11
13	20 years younger than Maggie?	10:14:15
14	A. I'm sorry, I don't know exactly how old she	10:14:19
15	is.	10:14:21
16	MS. LAWRENCE: 65.	10:14:23
17	THE WITNESS: So close. 15. Is that	10:14:24
18	close?	10:14:26
19	BY MR. BIGELOW:	10:14:26
20	Q. And how old is Mr. Hutchison?	10:14:27
21	A. 48, so 17 years.	10:14:28
22	Q. 17 years younger?	10:14:30
23	A. Yeah.	10:14:31
24	Q. Okay. And I guess, you know, significantly	10:14:31
25	younger can be interpreted different ways, right? 17	10:14:36

1	years -- that Maggie is in her mid 60s and Mr.	10:14:41
2	Hutchison is in his mid 40s, correct?	10:14:44
3	A.        Yeah.	10:14:48
4	Q.        Okay. And less experience, the question	10:14:48
5	becomes, well, what is less experienced. As far as	10:14:51
6	the fire marshal's office is concerned, would you	10:14:54
7	agree that Maggie has significantly more	10:14:58
8	experience -- significantly more experience and had	10:15:02
9	significantly more experience in the fire marshal's	10:15:04
10	office?	10:15:06
11	A.        Yes.	10:15:07
12	Q.        Okay. In fact, prior to coming over here;	10:15:07
13	here being to the fire marshal's office, Mr.	10:15:13
14	Hutchison had no experience in the fire marshal's	10:15:18
15	office; is that correct?	10:15:21
16	A.        Not that I'm aware of.	10:15:21
17	Q.        So that is correct?	10:15:22
18	A.        I -- it may be. I don't know the answer to	10:15:24
19	that.	10:15:27
20	Q.        Okay. Had you ever seen him over here in the	10:15:27
21	fire marshal's office?	10:15:31
22	A.        No. But that doesn't mean he didn't work	10:15:31
23	before I came there. You know what I'm saying? I	10:15:34
24	don't know that. I want to say your answer's correct	10:15:38
25	but I don't know that.	10:15:41

1	Q.	Okay. I'm gonna turn your attention to the	10:15:41
2		third page, please, of the complaint -- well,	10:16:00
3		actually, let me take a step backwards. Did you help	10:16:13
4		in preparing this answer?	10:16:17
5	A.	Yes.	10:16:18
6	Q.	Okay. Do you know of anyone else who helped	10:16:18
7		prepare in the answer --	10:16:24
8	A.	I don't.	10:16:26
9	Q.	-- to these?	10:16:26
10		Okay. What did you do in preparing this	10:16:28
11		answer? Like what did -- aside from conversation; I	10:16:35
12		don't want to know about conversations you had with	10:16:39
13		the lawyers. But like what did you actually do in	10:16:40
14		figuring out the answers to this complaint?	10:16:43
15	A.	You're talking about like researchwise?	10:16:47
16	Q.	Yeah.	10:16:49
17	A.	Oh. Well, if I needed the dates, I would go	10:16:49
18		back and look at, you know, old e-mails. If I had	10:16:52
19		the information readily available, I just used what I	10:16:56
20		had. And then if I didn't know the answer, I may	10:17:00
21		write on there I have no idea, you know, or need to	10:17:03
22		get from Chief Swann, or Chief Hutchison, or Chief	10:17:06
23		Henderson. But if I needed it, I would get	10:17:09
24		information from the person I needed the information	10:17:11
25		from.	10:17:13

1	Q.	Okay. So if it referenced someone and if it	10:17:14
2		said Chief Hutchison said this, you would go and	10:17:16
3		speak with Chief Hutchison; is that correct?	10:17:19
4	A.	Correct.	10:17:21
5	Q.	Okay. On page 3, paragraph 15 states: For	10:17:21
6		nearly 30 years, plaintiff did not incur any negative	10:17:39
7		write-ups or performance reviews. And in your -- it	10:17:44
8		may make it easier for you to have the answer out	10:17:48
9		next to it because that's kind of what we're gonna be	10:17:52
10		doing for the next little bit --	10:17:55
11	A.	Okay.	10:17:55
12	Q.	-- just so we can sing on the same song	10:17:56
13		sheet.	10:18:00
14	A.	Okay.	10:18:00
15	Q.	And that's admitted, correct?	10:18:00
16	A.	Correct.	10:18:02
17	Q.	Okay. And it states on paragraph 17:	10:18:02
18		Additionally, she acquired various certifications	10:18:09
19		from the National Association of Fire Investigators,	10:18:12
20		Nashville Metro Police Department, and Nashville Fire	10:18:17
21		Academy to name a few. That's admitted as well,	10:18:21
22		correct?	10:18:24
23	A.	Correct.	10:18:24
24	Q.	I take it you didn't know that Ms. Lawrence	10:18:30
25		was an ordained minister?	10:18:33

1	A.	I did not.	10:18:35
2	Q.	Okay. Or a volunteer disaster and spiritual	10:18:36
3		counsel for the American Red Cross?	10:18:42
4	A.	I did not.	10:18:45
5	Q.	Did you know that she was the chaplain for	10:18:45
6		both the fire department and the police department?	10:18:48
7	A.	I do know -- not the police department. I do	10:18:50
8		know at one time that she -- and I assume that she	10:18:56
9		still did -- act as one of our chaplains.	10:18:56
10	Q.	Okay.	10:18:59
11	A.	Yeah.	10:18:59
12	Q.	Paragraph 25 states: Mr. Hutchison was	10:19:11
13		brought in from another department and had never	10:19:17
14		worked in a fire marshal's office before. The	10:19:20
15		response to that says admitted that Captain Hutchison	10:19:25
16		was transferred from another department and was new	10:19:29
17		to the fire marshal's office, correct?	10:19:32
18	A.	It's what it says, but I read another	10:19:35
19		department as outside the fire department. And it	10:19:38
20		really should be another division within the	10:19:40
21		department but, yes, that's what it says.	10:19:43
22	Q.	Okay. Paragraph number 26 says -- states:	10:19:45
23		He had only been an administrative captain for two	10:19:53
24		years at the fire -- I'm sorry -- at the training	10:19:56
25		academy and had not supervised anyone on a consistent	10:19:59



1 basis.

10:20:04

2 And the answer states admitted that Captain  
3 Hutchison was previously at the training academy.  
4 All other allegations are denied. Did you do any  
5 research into whether he had supervised anyone else  
6 on a consistent basis?

10:20:07

10:20:11

10:20:13

10:20:18

10:20:21

7 A. Well, if he was a captain at some point, that  
8 is his job, to supervise. So at the academy, they're  
9 not only overseeing and training the recruits, but  
10 they're also -- they -- we have adjunct instructors  
11 that come from the field for a daily bas- -- that  
12 they have to oversee, tell them what to do, give  
13 direction, supervise. And I'm not positive, but I  
14 thought that he was also a field captain before he  
15 come to the academy but I could be wrong.

10:20:24

10:20:26

10:20:29

10:20:34

10:20:39

10:20:42

10:20:44

10:20:47

10:20:50

16 Q. Okay. Paragraph 27 says: He was much  
17 younger than Ms. Lawrence and had little to no  
18 experience in comparison to Ms. Lawrence. The answer  
19 says -- states admitted that Captain Hutchison is  
20 younger than plaintiff. All other allegations are  
21 denied. How would you categorize Maggie's experience  
22 with Chief Hutchison's experience prior to him  
23 becoming the chief?

10:20:52

10:20:57

10:21:00

10:21:05

10:21:08

10:21:12

10:21:26

10:21:30

24 A. Well, that's not what that question says.  
25 That says no experience in comparison. And no

10:21:32

10:21:34

1 experience in the fire marshal's office? No 10:21:38  
2 experience in life? I don't know. I think that may 10:21:39  
3 be the reason that the rest of the allegations were 10:21:42  
4 denied, just because it was just so open-ended in my 10:21:46  
5 opinion. 10:21:49  
6 And to be -- I don't -- when -- I don't use 10:21:50  
7 this language in here. This is Metro's attorneys' 10:21:51  
8 language. So I would just respond back I don't know 10:21:55  
9 or I don't -- so I -- I can't -- some of this when 10:21:58  
10 it's denied, I can't -- I may not be able to help 10:22:00  
11 you -- 10:22:04  
12 Q. No, that's totally fair. 10:22:04  
13 A. -- but I'm trying. 10:22:06  
14 Q. That's totally fair. But what I'm asking you 10:22:07  
15 is how would you compare Maggie's experience as far 10:22:10  
16 as becoming the fire marshal in comparison to Chief 10:22:15  
17 Hutchison's prior to be -- him becoming the fire 10:22:21  
18 marshal? How would you compare their experience? 10:22:23  
19 A. Well, he didn't work in the fire marshal's 10:22:26  
20 office before I think we've stated. 10:22:28  
21 Q. Okay. 10:22:29  
22 A. But I don't know what other experience that 10:22:30  
23 he has outside of that when it comes to dealing with 10:22:31  
24 things that would happen in the fire marshal's 10:22:35  
25 office: Permits, inspections. I don't know what his 10:22:40

1	experience in the fire department is prior to coming	10:22:44
2	there so I think that's a question you'd have to ask	10:22:47
3	him.	10:22:50
4	Q. And you're the head of HR, though, right?	10:22:52
5	A. I am.	10:22:54
6	Q. But you don't know what his past experience	10:22:55
7	is?	10:22:57
8	A. No. We have 1500 employees so it's -- I	10:22:58
9	don't keep up with what everybody did. I don't know	10:23:01
10	what Chief Hutch- -- I mean Chief Henderson did, you	10:23:03
11	know, ten years before he became the deputy chief.	10:23:06
12	Q. Paragraph 29 states that Chief Swann	10:23:16
13	instructed then Fire Marshal Al Thomas to introduce	10:23:24
14	Mr. Hutchison to the fire marshal office staff and	10:23:28
15	allow Mr. Hutchison to shadow him for six months.	10:23:32
16	And the answer was admitted, correct?	10:23:35
17	A. Correct.	10:23:38
18	Q. I want to -- I want to go back just for a	10:23:39
19	second -- I'm sorry to digress -- to this	10:23:41
20	construction business. How did you learn about this	10:23:45
21	construction business?	10:23:47
22	A. Just 'cause I've -- we've talked about it	10:23:47
23	before. He would say I used to own a construction	10:23:51
24	business. And I know that he built houses with	10:23:53
25	other -- with another employee that worked here. I	10:23:57

1	didn't know that until he came up here --	10:23:59
2	Q. Okay.	10:24:01
3	A. -- but that's just conversations we've had in	10:24:01
4	the past. Otherwise, I wouldn't have known.	10:24:03
5	Q. I gotcha. Do you know the other employee who	10:24:05
6	owned the construction business with him -- or worked	10:24:08
7	with him? I'm sorry.	10:24:09
8	A. I don't know if they owned separate	10:24:10
9	businesses or just built houses together, but Daryl	10:24:12
10	King is one of the -- is the other guy, but I don't	10:24:15
11	know --	10:24:17
12	Q. And does Mr. King work for the fire marshal's	10:24:17
13	office?	10:24:20
14	A. No. He works in field operations. He's a	10:24:20
15	district chief.	10:24:24
16	Q. Do you know if Mr. King and the chief know	10:24:32
17	each other?	10:24:51
18	A. Which chief?	10:24:52
19	Q. Your chief.	10:24:52
20	A. Swann?	10:24:53
21	Q. Swann.	10:24:54
22	A. Yes, they know each other, I'm sure.	10:24:55
23	Q. Okay. When it came to the qualifications to	10:25:03
24	become the -- are you familiar with the	10:25:30
25	qualifications that are required to become the fire	10:25:32

1	marshal?	10:25:36
2	A. From the State?	10:25:36
3	Q. Yes, ma'am.	10:25:37
4	A. Kind of. I've read it.	10:25:38
5	Q. Okay. Can you explain that?	10:25:41
6	A. I think you have to have your fire inspector	10:25:42
7	license. And I think you have to have a 40- or	10:25:45
8	80-hour course, or maybe that's what it is to get	10:25:47
9	your license, but you've got to have that and then be	10:25:51
10	appointed by the chief --	10:25:54
11	Q. Okay.	10:25:54
12	A. -- and work at the fire department. I don't	10:25:55
13	think we can hire somebody who doesn't work -- I	10:25:58
14	mean, I don't think we can appoint a layperson who	10:26:01
15	doesn't work for the fire department but I don't know	10:26:04
16	the exact...	10:26:07
17	Q. Okay. Do you know what bugles are?	10:26:08
18	A. Yes.	10:26:13
19	Q. What are they?	10:26:13
20	A. They're their bugles that they wear on their	10:26:15
21	collar, that chiefs do, chief officers. So -- and	10:26:19
22	each one bugle stands for each level of supervision.	10:26:20
23	Q. Do you know if the qualifications to become	10:26:25
24	the fire marshal requires a certain number of bugles?	10:26:29
25	A. I've never heard that.	10:26:33

1 Q. Okay. I'm gonna turn your attention to 10:26:38  
2 paragraph 30. Paragraph 30 states: Chief Swann 10:26:53  
3 planned for Mr. Hutchison to succeed Mr. Thomas as 10:27:01  
4 fire marshal. And you denied that; is that true? 10:27:07  
5 A. That's what it says, yes. 10:27:12  
6 Q. Well, why did you deny that? 10:27:13  
7 A. I do not know. I don't know why -- I mean, I 10:27:16  
8 don't remember the -- what was said, but it looks 10:27:19  
9 like we denied it all the way through 36, so it looks 10:27:21  
10 like it was denied as a group. Let's see. I think 10:27:26  
11 you'd have to go all the way down. 10:27:29  
12 Q. Well, I'm just gonna take one by one. Based 10:27:31  
13 on what you're saying -- and I'm not trying to put 10:27:35  
14 words in your mouth -- would you agree that that's 10:27:38  
15 true? 10:27:40  
16 A. No, I don't think he knew. I think that's 10:27:40  
17 the reason that he brought him up here, to put him 10:27:42  
18 under -- to shadow Chief Thomas. I don't think he 10:27:44  
19 knew that that's what he wanted to do. But he wanted 10:27:47  
20 to bring him in there and start looking at what kind 10:27:49  
21 of plan we had. 10:27:49  
22 For all we know, Mr. Hutchison could have got 10:27:53  
23 down there and been like this is a mess, I don't want 10:27:55  
24 any part of it, I'm out, you know, so we just don't 10:27:57  
25 really know what his plan was. I don't, at least. 10:28:01

1	He may have wanted to see -- he may, for all I know,	10:28:04
2	have brought in somebody else six months after that	10:28:08
3	and had them shadow Chief Thomas to get an idea of	10:28:09
4	maybe had a -- was the best fit.	10:28:14
5	Q. Did you ask Chief Swann if he had planned for	10:28:15
6	Mr. Hutchison to succeed Mr. Thomas as fire marshal?	10:28:19
7	A. I did not.	10:28:21
8	Q. Well, why not?	10:28:22
9	A. Because Chief makes the decisions and he puts	10:28:23
10	people where he wants them. It's not my place to	10:28:26
11	tell him not to do that. He's the chief. He's my	10:28:28
12	boss too.	10:28:31
13	Q. But that's what this claims, though, right?	10:28:31
14	This sentence claims that he had planned for Mr.	10:28:35
15	Hutchison to succeed Mr. Thomas as fire marshal.	10:28:38
16	A. That's what you say it claims, right?	10:28:41
17	Q. Correct.	10:28:43
18	A. Okay.	10:28:44
19	Q. And the only person who would know those	10:28:45
20	plans is Chief Swann, correct?	10:28:49
21	A. Him and possibly Chief Henderson if they	10:28:51
22	discussed it but, yeah.	10:28:54
23	Q. Well, this specific sentence says that Chief	10:28:56
24	Swann planned that. So the only person --	10:28:59
25	A. Okay.	10:28:59

1	Q.	-- who would know that was Chief Swann,	10:29:00
2		correct?	10:29:03
3	A.	Yes.	10:29:03
4	Q.	And you're saying you didn't talk to Chief	10:29:04
5		Swann about that?	10:29:06
6	A.	No, not in the beginning. I didn't have --	10:29:07
7		when they decided -- Chief Swann, Chief Henderson,	10:29:09
8		whoever brought Chief Hutchison downstairs, I did not	10:29:13
9		know until the motion was put in place. And so, no,	10:29:16
10		I did not talk to him and say is it your plan if	10:29:19
11		you're bringing him down to succeed Al Thomas.	10:29:21
12	Q.	Let me be more clear.	10:29:24
13	A.	Okay.	10:29:26
14	Q.	I'm sorry I'm not very clear. You said	10:29:26
15		earlier that as far as you know, you were the only	10:29:28
16		one, only person, who helped prepare these answers,	10:29:31
17		correct?	10:29:34
18	A.	Correct.	10:29:35
19	Q.	So in preparing these answers -- I'm not	10:29:35
20		saying prior to that. In preparing these answers,	10:29:37
21		the allegation was that Chief Swann planned for Mr.	10:29:40
22		Hutchison to succeed Mr. Thomas as fire marshal.	10:29:45
23		That was the allegation, correct?	10:29:48
24	A.	That's the allegation, correct.	10:29:50
25	Q.	Now, you were the point person to answer that	10:29:51



1	allegation, correct?	10:29:55
2	A. I -- well, to give my input but, yes.	10:29:56
3	Q. Right. But you're saying now that you never	10:29:59
4	even asked Chief Swann.	10:30:02
5	A. Well, I don't know that I even answered that	10:30:03
6	question. I mean, that -- I -- I don't know that. I	10:30:05
7	would have to talk to my legal counsel to see if	10:30:07
8	that's something I provided an answer for. As I	10:30:10
9	stated earlier, some of those, I don't have answers	10:30:12
10	for and I just move on and will either leave them	10:30:15
11	blank or just give an example of what I know that	10:30:17
12	happened. I don't write word for word each one of	10:30:21
13	these. No, I don't do that but I do have input.	10:30:25
14	Q. I promise you I'm not trying to be difficult.	10:30:30
15	All I'm saying is this: There is a lot of	10:30:32
16	allegations in here that do not have to deal with	10:30:40
17	what you personally know or don't know, correct?	10:30:45
18	A. Correct.	10:30:48
19	Q. And those allegations require you -- well,	10:30:49
20	would you agree that those allegations require you to	10:30:55
21	go ask other people and find the answers?	10:30:58
22	A. They could if I had the answers. I don't	10:31:01
23	know -- what I'm saying is -- and I'm not trying to	10:31:03
24	be difficult -- is I would have to look at what I	10:31:05
25	provided Metro Legal to see if I answered that	10:31:08

1	question independently, or if I grouped them	10:31:11
2	together, or if I read them as one whole paragraph	10:31:15
3	and wrote a paragraph on it. I don't know.	10:31:18
4	I don't know if I asked Chief Swann if it was	10:31:20
5	his plan to have Al Thomas when I wrote this. I	10:31:22
6	don't know if Mr. Thomas told Chief Swann that Ms.	10:31:28
7	Lawrence was ideal for the position; not Hutchison.	10:31:31
8	I don't know any of that as fact. I don't	10:31:34
9	personally.	10:31:36
10	Q. Okay. But what -- but it's your -- would you	10:31:37
11	agree that it's your job in the fact that you were	10:31:40
12	the only person to answer the -- help Metro answer	10:31:42
13	these questions to find out whether this is fact or	10:31:46
14	not?	10:31:48
15	A. If I -- if I didn't have the answer for it,	10:31:49
16	but I don't know that I had the answer. I would have	10:31:52
17	to go back and look. I don't really know how to	10:31:54
18	answer your question. I'm not trying to be	10:31:57
19	difficult. I'm --	10:31:59
20	Q. I'm not saying you are.	10:31:59
21	A. -- telling you, I don't know but -- I don't	10:32:00
22	know. Chief Swann would have been the one to -- I	10:32:02
23	did not sit with him if that's what you're asking and	10:32:04
24	go down these one by one and ask if he --	10:32:07
25	Q. Why not?	10:32:09

1	A.	I didn't do that. Because I didn't.	10:32:10
2	Q.	Why not?	10:32:11
3	A.	I don't know how to answer that. Because I	10:32:12
4		didn't.	10:32:13
5	Q.	Okay. So let's -- and this is not what any	10:32:13
6		of this said. But let's pretend that you're	10:32:16
7		answering -- helping Metro answer a lawsuit where it	10:32:20
8		said John -- at that point, John Smith who was a	10:32:23
9		Metro employee at the fire department punched Susie	10:32:28
10		Smith in the face. Right? Let's just pretend that's	10:32:32
11		the allegation, right?	10:32:38
12	A.	Okay.	10:32:38
13	Q.	And you were the point person to answer the	10:32:39
14		lawsuit, right?	10:32:41
15	A.	Right.	10:32:42
16	Q.	Would you agree that it's your duty to go to	10:32:42
17		John Smith who works for your department and say,	10:32:46
18		John Smith, Dear John, did you punch Susie in the	10:32:50
19		face?	10:32:54
20	A.	Well, I would think if that were the case we	10:32:55
21		would have something -- kind of disciplinary action	10:32:57
22		or something that I would have the facts for already.	10:32:58
23		This, to me, is a subjective statement that's saying	10:33:02
24		Chief Swann had predetermined what he was doing	10:33:05
25		already, and I don't know the answer to that. And	10:33:08

1	that's what I'm telling you now still.	10:33:10
2	Q. I understand that. But -- okay. Let me --	10:33:12
3	let me give you a different -- let's pretend -- let's	10:33:22
4	pretend that instead of punch someone in the face it	10:33:28
5	was an allegation that one of your employees lit a	10:33:35
6	building on fire. Okay?	10:33:43
7	A. (Nods head affirmatively.)	10:33:47
8	Q. And in -- in that, in the complaint, it said	10:33:48
9	that -- let's say the guy's name is Smith just	10:33:52
10	because -- Mr. Smith had told employees at the fire	10:33:57
11	department that he was going to light the building on	10:34:02
12	fire prior to lighting the building on fire. Is that	10:34:05
13	fair? Are we on the same page?	10:34:10
14	A. Sure. Yeah.	10:34:12
15	Q. Would you agree that if you were the only	10:34:12
16	person from Metro to answer that complaint and it	10:34:15
17	said that Mr. Smith had told other Metro employees	10:34:17
18	that he had planned on lighting it on fire, you	10:34:23
19	should have gone up to Mr. Smith in your	10:34:25
20	investigation as the Metro representative and said,	10:34:28
21	Mr. Smith, did you tell other people that you planned	10:34:31
22	on lighting the building on fire?	10:34:34
23	A. And in that case, yes, I would have --	10:34:36
24	Q. Okay.	10:34:38
25	A. -- if that's what you're asking. But I would	10:34:38

1	have --	10:34:38
2	Q. That's what I'm asking.	10:34:39
3	A. But I would have already done an	10:34:39
4	investigation so I already have all these facts,	10:34:41
5	right?	10:34:41
6	Q. Okay.	10:34:41
7	A. So --	10:34:43
8	Q. Let me make it even easier. Would you agree	10:34:44
9	what you should have done was gone up to Chief Swann	10:34:44
10	and said, hey, Chief Swann, based on this complaint,	10:34:48
11	did you plan for Mr. Hutchison to succeed Mr. Thomas?	10:34:50
12	A. Yes.	10:34:55
13	Q. Okay. Thank you. That should have been a --	10:34:55
14	A. Okay.	10:34:55
15	Q. That should have been a whole lot easier and	10:34:57
16	that's my apologies.	10:34:58
17	A. Okay.	10:35:00
18	Q. Okay. Paragraph 31: Mr. Thomas instead told	10:35:00
19	Chief Swann that Ms. Lawrence was ideal for the	10:35:05
20	position; not Mr. Hutchison. And you denied that,	10:35:09
21	correct?	10:35:12
22	A. Correct.	10:35:12
23	Q. 32: Ms. Lawrence had given a copy of her	10:35:13
24	r��sum�� to Chief Thomas, along with other candidates,	10:35:17
25	for presentation to Chief Swann in determining who to	10:35:21

1	promote to fire marshal. And you denied that,	10:35:24
2	correct?	10:35:27
3	A. Correct.	10:35:27
4	Q. Do you know of any other candidates who had	10:35:29
5	wanted to become fire marshal?	10:35:33
6	A. I don't.	10:35:35
7	Q. Okay. Do you know that Ms. Lawrence had	10:35:35
8	wanted to become fire marshal?	10:35:39
9	A. I did not.	10:35:40
10	Q. Okay. When did you learn of that?	10:35:42
11	A. About the time that she filed her EEO	10:35:45
12	complaint for not becoming the fire marshal. And it	10:35:48
13	may have been sooner. It may have been when she	10:35:50
14	contacted News Channel 4 about why she didn't get to	10:35:53
15	be the fire marshal.	10:35:58
16	Q. Okay. Paragraph 33: After telling Chief	10:35:58
17	Swann that Ms. Lawrence was the best candidate for	10:36:01
18	fire marshal, Mr. Thomas was subsequently put on paid	10:36:04
19	administrative leave and subject to an investigation.	10:36:08
20	And that was denied, correct?	10:36:10
21	A. Correct.	10:36:12
22	Q. Okay. Why was Mr. Thomas put on	10:36:12
23	administrative leave?	10:36:16
24	A. For a multitude of issues that he had -- had	10:36:17
25	regarding his tenure as the fire marshal. I mean,	10:36:21

1	had multiple issues, but the main one being	10:36:26
2	insubordinate. He was subsequently brought up on	10:36:30
3	charges for a multitude of things and terminated and	10:36:34
4	then requested to have that changed to a resigned in	10:36:36
5	lieu of termination on his file and took his pension.	10:36:39
6	But it was insubordination, failure to follow direct	10:36:43
7	orders, inefficiencies of duties, host of other	10:36:48
8	reasons. But it all started with the -- he had to be	10:36:51
9	put on administrative leave because of -- subject to	10:36:52
10	getting this -- wasn't -- per an investigation, it	10:36:55
11	was in relating to having a disciplinary hearing so.	10:36:58
12	Q. Did Chief Swann ever name himself the interim	10:37:02
13	fire marshal?	10:37:06
14	A. I believe so.	10:37:06
15	Q. Okay. And did he ever put Ms. Lawrence in	10:37:08
16	control of the daily operations?	10:37:10
17	A. I believe so.	10:37:12
18	Q. Okay. If that is true, then why was	10:37:13
19	paragraph 35 denied?	10:37:18
20	A. I have no idea.	10:37:23
21	Q. So that should have been admitted based on	10:37:25
22	what you just said?	10:37:30
23	A. I would have to do some more research, but I	10:37:31
24	think that's what's been said. So I'll have to look	10:37:34
25	at that for sure.	10:37:38

1	Q.	Okay.	10:37:39
2	A.	But I can. I can do that.	10:37:40
3	Q.	When Ms. Lawrence was put in control of the	10:37:44
4		department's daily operations --	10:37:48
5	A.	Can I stop you? I know you're right in the	10:37:49
6		middle of this, but it may have been denied at number	10:37:52
7		36. I'm not -- because they're lumped together.	10:37:55
8		That may have been the reason for the denial.	10:37:58
9	Q.	Well, to be -- to be fair, in Metro's answer,	10:38:00
10		it's -- on page 2, it says numbers 30 through 36 are	10:38:03
11		denied.	10:38:08
12	A.	Okay. Yeah. So I don't know all the -- but	10:38:09
13		I can check on number 35 is what I was trying to say.	10:38:12
14		But I'm sorry for interrupting you.	10:38:19
15	Q.	No, that's okay. I want to just get the	10:38:19
16		facts.	10:38:23
17	A.	Okay. I'm ready.	10:38:23
18	Q.	You just testified that you were aware that	10:38:25
19		at some point Ms. Lawrence was in control of the	10:38:26
20		department's daily operations, correct?	10:38:30
21	A.	I think that's true, yes.	10:38:32
22	Q.	Okay.	10:38:34
23	A.	But I want to -- I'm gonna double check	10:38:40
24		'cause I want to make sure what I'm telling you for a	10:38:44
25		fact.	10:38:47



1	Q.	The next attention -- I'm sorry, not -- two	10:38:47
2		down. Number 37 states: On October 23rd, 2020 --	10:38:51
3		MR. PUCKETT: Objection. I think that's	10:38:55
4		November 23rd, just --	10:38:57
5		MR. BIGELOW: I'm sorry?	10:39:00
6		MR. PUCKETT: November 23.	10:39:01
7		MR. BIGELOW: Oh, my apologies. Thank	10:39:03
8		you for correcting me.	10:39:05
9		MR. PUCKETT: Yep.	10:39:06
10		BY MR. BIGELOW:	10:39:06
11	Q.	On November 23, 2020, a meeting was held with	10:39:07
12		a number of executives in the fire department. And	10:39:09
13		that was admitted, correct?	10:39:11
14	A.	Correct.	10:39:12
15	Q.	And do you remember that meeting?	10:39:12
16	A.	I do.	10:39:13
17	Q.	And you were there, correct?	10:39:14
18	A.	I was.	10:39:16
19	Q.	And other people there include Ms. Lawrence,	10:39:17
20		Deputy Director Henderson, Deputy Director Tomlinson.	10:39:21
21		And who else?	10:39:26
22	A.	I think Chief Hutchison was in there. I	10:39:28
23		think Mike Robinson -- the Assistant Fire Marshal	10:39:31
24		Mike Robinson, Assistant Fire Marshal Andrea Eanes.	10:39:35
25		I know them for a fact. Me, Maggie. I'm not sure	10:39:42

1	who else, but I know that all of us were 'cause we	10:39:48
2	were in the blue -- in that room down there.	10:39:50
3	Q. Was there any notification? Like, how did	10:39:52
4	you learn about that meeting?	10:39:54
5	A. Oh, I don't remember. He probably called and	10:39:56
6	said come to the office for all -- come to the blue	10:39:58
7	room for all I know.	10:40:01
8	Q. When you say he, who are you talking about?	10:40:02
9	A. Chief Henderson.	10:40:06
10	Q. Okay. And that point, he was the deputy	10:40:06
11	director?	10:40:08
12	A. Yes.	10:40:08
13	Q. Okay. What was your understanding as to why	10:40:09
14	that meeting was called?	10:40:11
15	A. Well, I didn't know at first, but I quickly	10:40:12
16	learned what it was, is -- when we were in there,	10:40:14
17	Chief Swann -- so Chief Thomas had just either been	10:40:19
18	put on administrative leave that day, or maybe right	10:40:22
19	before that, or maybe we had his hearing. I don't	10:40:25
20	remember the sequence of events.	10:40:29
21	But even leading up to that -- and I think a	10:40:33
22	lot of it started with Al Thomas basically	10:40:37
23	campaigning outside of the department for who would	10:40:40
24	take over should he leave or not become the fire	10:40:45
25	marshal. He had had meetings with the director of	10:40:48

1 codes. Chief Swann had had phone calls and e-mails 10:40:50  
2 from council members, people in the mayor's office 10:40:55  
3 questioning where the fire marshal was, and who was 10:41:00  
4 gonna take over, and things like that, and he had 10:41:04  
5 just had enough of it. 10:41:07  
6 And so Chief Henderson had that meeting to 10:41:08  
7 let people know that the chief names the fire marshal 10:41:13  
8 and he's the one that decides who's gonna be the fire 10:41:16  
9 marshal. And he is being bombarded unnecessarily 10:41:20  
10 with this outside influence and he didn't want to 10:41:23  
11 hear it anymore. That's what it was sub- -- 10:41:26  
12 ultimately about. 10:41:28  
13 Q. Was he upset? 10:41:29  
14 A. Yeah, he was mad. 10:41:30  
15 Q. Did he swear a lot? 10:41:32  
16 A. Once. 10:41:34  
17 Q. He swore once? 10:41:34  
18 A. One time. 10:41:35  
19 Q. Okay. 10:41:36  
20 A. Yeah. 10:41:36  
21 Q. And what did he say when he swore? 10:41:37  
22 A. I think he said I'm f'ing tired of it. 10:41:40  
23 That's when he used the f-word. 10:41:43  
24 Q. Okay. So paragraph 40 states: During the 10:41:45  
25 meeting, Deputy Henderson said that he was, quote, 10:41:51

1	fucking tired of people going to the mayor's office	10:41:55
2	and to their council person, end quote, to talk about	10:42:00
3	what was going on in the fire department. Is that	10:42:03
4	correct?	10:42:06
5	A. That's what that says.	10:42:06
6	Q. Did you --	10:42:07
7	A. That's not how that conversation went. He	10:42:08
8	did say he was tired of people going, but he did not	10:42:11
9	say fucking tired. He only said the f-word one time.	10:42:15
10	Because even I -- I remember thinking, oh, man,	10:42:20
11	'cause he doesn't do that a lot and so it did shock	10:42:22
12	me. But he used the f-word one time in that meeting.	10:42:24
13	Q. Okay. But just to be clear, just a moment	10:42:28
14	ago, I believe you said that he only said it one time	10:42:30
15	and it was that he was fucking tired of people going	10:42:33
16	to, right?	10:42:37
17	A. No. I said he was fucking tired of it.	10:42:38
18	Q. Of it?	10:42:40
19	A. Of it.	10:42:41
20	Q. Okay.	10:42:42
21	A. Like the whole situation. He was tired of	10:42:42
22	it. He said I'm fucking tired of it (indicating),	10:42:45
23	just that like that.	10:42:49
24	Q. Okay. I mean, it's a small and maybe	10:42:50
25	insignificant point, but are there any rules against	10:42:53

1	swearing or, no?	10:42:57
2	A. There may be a Civil Service rule about	10:42:59
3	swearing. I'd have to look at it specifically but --	10:43:02
4	Q. Okay.	10:43:05
5	A. -- I don't know that anybody's ever been	10:43:05
6	brought up on charges for it.	10:43:09
7	Q. Okay. Paragraph 41 states: He also said he	10:43:11
8	knew it was coming from, quote, someone in the	10:43:20
9	fucking fire department, end quote, and it had to	10:43:23
10	stop now. That's not true, you're saying?	10:43:28
11	A. I didn't hear him say -- I heard him say the	10:43:30
12	f-word one time. He did say he knew it was coming	10:43:35
13	from somebody in the department or it was coming from	10:43:37
14	the people in the department and he was tired of it;	10:43:39
15	he wanted it to stop, but he didn't continually swear	10:43:42
16	the entire meeting.	10:43:45
17	Q. Okay.	10:43:48
18	A. And he --	10:43:48
19	Q. Could your recollection be wrong? Like if	10:43:49
20	there was an audio recording, could your recollection	10:43:51
21	be wrong?	10:43:54
22	A. It could be.	10:43:55
23	Q. Okay.	10:43:55
24	A. Yeah.	10:43:56
25	Q. So the answers to this was based on your	10:43:56

1	recollection; is that correct?	10:43:59
2	A. Correct.	10:44:01
3	Q. Okay.	10:44:01
4	A. Yeah.	10:44:02
5	Q. Paragraph 42 states: He promised to fire	10:44:04
6	whoever was complaining as soon as he found out who	10:44:07
7	it was.	10:44:10
8	A. I --	10:44:13
9	Q. Again, 42.	10:44:14
10	A. That is not my recollection, but I don't	10:44:16
11	remember. It -- I think he could have said something	10:44:20
12	along the lines of I could -- you could be fired if	10:44:23
13	we find out who it was or something. 'Cause there's	10:44:26
14	a charter requirement that says, basically, you can't	10:44:29
15	campaign for a job, you can't go out and have	10:44:32
16	people -- have undue influence on people and I think	10:44:36
17	that's what he was referring to.	10:44:39
18	Q. Okay. The next paragraph, 43: States Deputy	10:44:40
19	Henderson also reminded everyone that Chief Swann can	10:44:50
20	hire, quote, whomever he fucking wants, end quote, to	10:44:53
21	be the fire marshal.	10:44:59
22	A. Yeah. Mine is the f- -- I think the f-word	10:44:59
23	is the kicker in that, but he probably said in that	10:45:02
24	meeting he can put anybody he wants to be the fire	10:45:07
25	marshal in there.	10:45:09

1	Q.	Okay. But you're just saying you're denying	10:45:09
2		it because of the f-word?	10:45:13
3	A.	F-word.	10:45:14
4	Q.	You don't remember him saying it?	10:45:14
5	A.	I do not.	10:45:17
6	Q.	Okay. Do you recall Deputy Henderson	10:45:17
7		snapping at Ms. Lawrence when she asked what it was	10:45:20
8		all about?	10:45:23
9	A.	I do not.	10:45:24
10	Q.	Okay. Could it have happened?	10:45:25
11	A.	It could have but I don't -- I don't --	10:45:27
12	Q.	You just don't recall that?	10:45:29
13	A.	-- recall that. Huh-uh.	10:45:31
14	Q.	Okay.	10:45:31
15	A.	Not directed to Chief Henderson, no.	10:45:32
16	Q.	Do you remember Chief Swann warning Ms.	10:45:35
17		Lawrence that if she goes outside the department and	10:45:38
18		starts running her mouth stating things that are	10:45:41
19		negative it's gonna come back to him anyway?	10:45:44
20	A.	He did make that statement that that -- that	10:45:48
21		that conversation had happened, but I don't know in	10:45:51
22		what context it was.	10:45:52
23	Q.	So he did say that but it may not have been	10:45:54
24		word for word?	10:45:58
25	A.	Well, I don't know if it was quoted that	10:45:58

1	properly or how so -- but I don't know -- and I don't	10:46:01
2	know in what context it was done -- said either. So,	10:46:03
3	no, I don't know if it was quoted verbatim or not.	10:46:06
4	Q. But he did say something along those lines is	10:46:10
5	what you're saying?	10:46:13
6	A. Yeah. I think he just said like if you go	10:46:13
7	and tell other people that this is gonna happen, I'll	10:46:16
8	find out about it, you know. I think there's --	10:46:20
9	Q. Do you take -- did you take -- would you take	10:46:20
10	that as a warning --	10:46:22
11	A. No.	10:46:23
12	Q. -- like not to do it?	10:46:23
13	A. Oh, as a warning?	10:46:25
14	Q. Yeah.	10:46:26
15	A. I would just take it as a I told you -- if	10:46:26
16	you -- if you do it, I'll find out; like that's what	10:46:29
17	he was basically saying.	10:46:32
18	Q. But the warning was don't go doing it because	10:46:34
19	I'm gonna find out, right? I mean, that's --	10:46:38
20	A. Sure.	10:46:40
21	Q. Okay. And the next week, Ms. Lawrence was	10:46:41
22	asked to let Mr. Hutchison shadow her, correct? I	10:46:46
23	believe that's admitted.	10:46:53
24	A. We admitted -- it is but I want to go back.	10:46:53
25	I don't know the -- on number 45 and 46 --	10:46:53



1	Q.	Uh-huh.	10:47:00
2	A.	-- I don't know the chronological events of	10:47:01
3		those with the shadowing of Hutchison and Maggie. I	10:47:04
4		don't know the chronological events of all that.	10:47:08
5	Q.	Okay.	10:47:11
6	A.	So that's all.	10:47:12
7		Can I have -- can we take a quick restroom	10:47:16
8		break?	10:47:19
9	Q.	Of course, as promised.	10:47:24
10		(Short break.)	10:47:27
11		MR. BIGELOW: Okay. Let's get back on	10:52:38
12		the record.	10:52:42
13		BY MR. BIGELOW:	10:52:42
14	Q.	I believe where we were was kind of paragraph	10:52:44
15		46, correct, of the complaint?	10:52:51
16	A.	Yes.	10:52:53
17	Q.	I want to go to the very next paragraph which	10:52:54
18		is paragraph 47. It states that on January 27th,	10:52:57
19		2021, a meeting was held in Chief Swann's office.	10:53:04
20		And that's -- that was admitted, correct?	10:53:09
21	A.	Yes.	10:53:12
22	Q.	Did you speak with Chief Swann about this	10:53:12
23		part, about the meeting?	10:53:15
24	A.	Well, it was on his calendar --	10:53:17
25	Q.	Okay.	10:53:20

1 A. -- I think. I knew that that meeting 10:53:20  
2 happened, but I don't know how I -- how I knew that 10:53:23  
3 it happened. And ended up, it was on that date but, 10:53:26  
4 obviously, I did if we admitted it. I just didn't 10:53:28  
5 know the date. 10:53:32  
6 Q. Okay. Did you speak with Chief Swann 10:53:32  
7 generally about all the allegations? I know there -- 10:53:35  
8 with regards to you -- one of them, clearly, you 10:53:38  
9 didn't you had testified to. But did you have a 10:53:41  
10 meeting with him with regards to these allegations? 10:53:43  
11 A. I don't know that I had a meeting with him. 10:53:46  
12 I may have got some of these dates and stuff when I 10:53:48  
13 was responding initially to the EEOC complaint and 10:53:52  
14 that I took some of the information out of that for 10:53:56  
15 this. 10:53:59  
16 Q. Okay. But you -- 10:53:59  
17 A. More -- more likely what happened. 10:54:01  
18 Q. But you don't ever remember actually meeting 10:54:02  
19 with him about this -- 10:54:05  
20 A. No. 10:54:07  
21 Q. -- is that fair? 10:54:07  
22 A. That's fair. 10:54:07  
23 Q. Okay. In retrospect, do you think you should 10:54:09  
24 have? 10:54:12  
25 A. Probably, yes. 10:54:12

1	Q.	Okay. It's hard -- I mean, do you think it's	10:54:13
2		difficult to kind of meet with your boss about such	10:54:20
3		things?	10:54:25
4	A.	Do I think it's difficult?	10:54:25
5	Q.	Yeah.	10:54:27
6	A.	No.	10:54:27
7	Q.	Okay.	10:54:29
8	A.	Yeah, no.	10:54:29
9	Q.	Did you not do it just because you had so	10:54:29
10		much going?	10:54:34
11	A.	I have no idea. It could have been I thought	10:54:35
12		that I had all the pertinent information already	10:54:39
13		available and so I didn't see any need to do that.	10:54:41
14		It could be that I had so much going on during all	10:54:44
15		this. This might be close to the third lawsuit that	10:54:46
16		we were involved in, you know, about different	10:54:48
17		things, so they all kind of run together at some	10:54:51
18		point.	10:54:54
19	Q.	Okay. Paragraph 48 states: During this	10:54:55
20		meeting, Ms. Lawrence was informed that the promotion	10:55:06
21		went to Mr. Hutchison instead of her. And Metro's	10:55:11
22		response is that -- denied that the transfer was a	10:55:16
23		promotion; admitted that Lawrence was appointed.	10:55:20
24	A.	Correct.	10:55:26
25	Q.	Do you deny that going from a deputy fire	10:55:33

1 marshal to a fire marshal would be a promotion? 10:55:40

2 A. Well, it -- not in the way you're stating. 10:55:47

3 So a promotion in the department has to be posted. 10:55:49

4 And we'd already determined that he was not promoted. 10:55:54

5 He was appointed as the fire marshal. 10:55:57

6 Q. Oh, you're saying that since Chief 10:56:08

7 Hutchison -- now Chief Hutchison was appointed, it 10:56:20

8 wasn't a promotion? 10:56:25

9 A. Correct. Well, not through the promotional 10:56:27

10 process. At the time -- at some point in there, he 10:56:31

11 had become a fire district chief. That was his 10:56:34

12 promotion. 10:56:37

13 Q. Correct. 10:56:39

14 A. His assignment to the fire marshal's office 10:56:39

15 was by appointment. 10:56:42

16 Q. But you write that you deny that the transfer 10:56:48

17 was a promotion. 10:56:52

18 A. Correct. 10:56:54

19 Q. So Mr. Hutchison did not get promoted? 10:56:57

20 A. He got promoted to a fire district chief off 10:57:01

21 the fire operations district chief list which is more 10:57:04

22 money, but he became the fire marshal by appointment 10:57:08

23 and so that was a lateral move. 10:57:13

24 Q. That was a lateral move -- 10:57:16

25 A. He didn't get any extra money when he was 10:57:17

1	named the fire marshal.	10:57:21
2	Q. So he was initially named what?	10:57:22
3	A. Fire district chief. At some point, he was	10:57:25
4	named fire district chief.	10:57:27
5	Q. Fire district chief?	10:57:29
6	A. Uh-huh.	10:57:31
7	Q. Was being named fire district chief a	10:57:34
8	promotion?	10:57:38
9	A. That was, yes.	10:57:38
10	Q. So Mr. Hutchison was promoted to fire	10:57:40
11	district chief and then lateralled over to the fire	10:57:44
12	marshal?	10:57:48
13	A. I think that's the order that it went. He	10:57:48
14	could have been made the fire marshal by name as a	10:57:51
15	captain and then promoted district chief. I'd have	10:57:55
16	to look back at the records to see which is	10:57:58
17	one (sic).	10:58:00
18	Q. Would you agree that if Maggie was made --	10:58:00
19	had been made the fire marshal, it would have been a	10:58:07
20	promotion for her?	10:58:11
21	A. She could have been named the fire marshal as	10:58:12
22	the fire marshal deputy. He could have -- appoint	10:58:16
23	her as the fire marshal even though she still	10:58:20
24	permanently held that class as the district chief --	10:58:24
25	I mean as the deputy fire marshal. Sorry.	10:58:28

1	Q.	So you disagree?	10:58:30
2	A.	If she got on a list -- I'm not disagreeing.	10:58:31
3		Rephrase your question so I make sure I answer it	10:58:35
4		right --	10:58:35
5	Q.	Okay.	10:58:35
6	A.	-- but I think I am.	10:58:37
7	Q.	Let me make it even easier.	10:58:37
8	A.	Okay.	10:58:37
9	Q.	It -- and I would think this was easy but	10:58:40
10		maybe I'm wrong. Is the fire marshal a higher	10:58:43
11		position than deputy fire marshal?	10:58:46
12	A.	It is.	10:58:48
13	Q.	When someone moves from a lower position to a	10:58:49
14		higher position, is that the definition of a	10:58:56
15		promotion?	10:58:59
16	A.	If you come off of a list.	10:59:00
17	Q.	What if you don't come off of a list?	10:59:01
18	A.	Then you -- then it's not a promotion. You	10:59:05
19		just get a new title and you keep everything the	10:59:07
20		same. You keep every -- your title doesn't even	10:59:10
21		technically change. On paper, on paper, Mr.	10:59:12
22		Hutchison's title was fire district chief as	10:59:16
23		appointed the fire marshal by the State -- Tennessee	10:59:19
24		Code Annotated regulations. He could have done that	10:59:24
25		and still been a fire captain if Chief -- if that's	10:59:28

1	what Chief wanted to do.	10:59:32
2	Q. You're the head of HR, correct?	10:59:35
3	A. Here at the fire department, yes.	10:59:37
4	Q. How many people work below you?	10:59:38
5	A. Five.	10:59:42
6	Q. Who chooses who the head of HR is at the fire	10:59:44
7	department?	10:59:48
8	A. Chief Swann.	10:59:49
9	Q. Okay. If -- and if Chief Swann for whatever	10:59:49
10	reason decided, hey, I don't want you to be the head	10:59:58
11	of HR anymore and then said you're gonna be not --	11:00:01
12	you're gonna be in HR but just not the head of HR.	11:00:05
13	A. Sure.	11:00:08
14	Q. And someone else in your department became	11:00:09
15	the head of HR, is that a promotion?	11:00:11
16	A. It would depend on who it was. It depends on	11:00:13
17	if he assigned them -- so, in theory, he could take	11:00:18
18	Chief Hutchison and assign him to be my boss as a	11:00:23
19	district chief --	11:00:26
20	Q. Okay.	11:00:26
21	A. -- if that's what he wanted to do.	11:00:26
22	Q. Okay. I guess what I should be asking you is	11:00:29
23	what -- define -- in your opinion or in your words	11:00:32
24	define promotion.	11:00:35
25	A. Promotion means, from the fire department	11:00:36

1	standpoint, you come off of a list, like a	11:00:40
2	register -- you know, we open it; you come off the	11:00:45
3	list. But, typically, by Metro HR, when we enter it	11:00:49
4	into the system, if it results in an increase in pay,	11:00:54
5	they call that a promotion on paper. But you could	11:00:57
6	get a new title and it's not necessarily a promotion	11:01:01
7	if it's the same grade or within the same amount of	11:01:05
8	money that your -- that your pay grade is.	11:01:09
9	Q. Okay. And I'm not -- I'm not trying to be	11:01:11
10	rude. I'm looking up -- just the reason I pulled out	11:01:13
11	my phone is not to ignore you --	11:01:16
12	A. Sure.	11:01:18
13	Q. -- but it's to look up the Merriam-Webster	11:01:18
14	definition of the word promotion.	11:01:22
15	A. Okay.	11:01:23
16	Q. According to Merriam-Webster, at least, the	11:01:23
17	meaning of promotion is the act or fact of being	11:01:26
18	raised in position or rank. Would you agree with	11:01:29
19	that definition?	11:01:33
20	A. I would agree with that definition, but it's	11:01:35
21	not necessarily the -- Metro's definition of what a	11:01:38
22	promotion means.	11:01:40
23	Q. Okay. But you would agree with that	11:01:41
24	definition?	11:01:43
25	A. I mean, it's the dictionary. I'm not gonna	11:01:44



1	disagree with it.	11:01:47
2	Q. That's fair. If Maggie believed that going	11:01:48
3	from deputy fire marshal to fire marshal was a	11:01:56
4	promotion, could you understand why she would think	11:02:05
5	that would be a promotion?	11:02:08
6	A. I could.	11:02:09
7	Q. Okay. Paragraph 53 states: Chief Swann told	11:02:09
8	Ms. Lawrence in no uncertain terms that her age was	11:02:40
9	the reason she did not get the promotion. Now, you	11:02:43
10	denied that, correct?	11:02:47
11	A. Yes.	11:02:48
12	Q. But you didn't even talk with Chief Swann	11:02:49
13	about that?	11:02:52
14	A. I think we addressed it in the EEO complaint	11:02:53
15	and that's where I got the information for the	11:02:56
16	denial.	11:02:59
17	Q. I thought you never met with Chief Swann	11:02:59
18	about the complaint.	11:03:02
19	A. Not the complaint. The EEO complaint; not	11:03:03
20	this complaint.	11:03:07
21	Q. Okay. Okay.	11:03:08
22	A. And I also -- and I'd have to go back and	11:03:12
23	look, but I think there was a part of that recording	11:03:15
24	talked about -- and I'm not positive. I'd have to go	11:03:19
25	back and look. But that it wasn't about her age but	11:03:22

1	said -- made a statement about -- I don't know. I'm	11:03:25
2	not positive. But I do think that I got that	11:03:29
3	information from the EEO complaint.	11:03:33
4	Q. Paragraph 54 states: He explained to her it	11:03:35
5	would not be smart of me to put someone in that	11:03:40
6	position. At least -- I'm sorry -- not in that	11:03:43
7	position at that level and they not going to be here	11:03:45
8	but for a next few years. And you denied that,	11:03:49
9	correct?	11:03:56
10	A. That's what it says, yes.	11:03:57
11	Q. Now, if there was audio evidence where he	11:04:00
12	actually stated that, it should have been admitted,	11:04:06
13	would you agree with that?	11:04:09
14	A. I would.	11:04:09
15	Q. Okay. Now, if there were audio evidence that	11:04:10
16	backs that Chief Swann said to my client, well,	11:04:19
17	you're not gonna be here but for next few years, as	11:04:23
18	the head of HR, do you think that is something proper	11:04:31
19	to say?	11:04:34
20	A. I think I would have to hear the whole	11:04:36
21	conversation and see what the context of the	11:04:39
22	conversation was before I would make an assessment on	11:04:43
23	it.	11:04:46
24	Q. Explain that.	11:04:46
25	A. Because I'm sure that the conversation was	11:04:47

1 more than just he said he was looking for somebody on 11:04:49  
2 the job for the next four to six years long after I'm 11:04:52  
3 gone. I'm sure there was something that predicated 11:04:56  
4 it and went after it and so I would have to know what 11:04:59  
5 context that was taken in. I would have to hear the 11:05:01  
6 whole conversation to know the context of it. 11:05:05  
7 Q. This is maybe a tough question, but I -- do 11:05:07  
8 you work for Chief Swann? 11:05:11  
9 A. He is my boss. I work for the fire 11:05:13  
10 department but he is who I report to, yes. 11:05:16  
11 Q. Okay. In the fire department, is there 11:05:19  
12 anyone above Chief Swann? 11:05:31  
13 A. In the fire department, no. 11:05:32  
14 Q. Assuming hypothetically Chief Swann said to 11:05:41  
15 you something that you believed was discriminatory, 11:05:46  
16 what would your -- what would -- do you have a duty 11:05:52  
17 to report that? 11:05:55  
18 A. I would tell him that he, A, shouldn't say 11:05:57  
19 things like that and, B, find out the context or the 11:06:01  
20 whole reason of what it was said so... 11:06:05  
21 Q. But do you have a duty to report it? 11:06:09  
22 A. I would think I would report it if it was 11:06:12  
23 something that was -- not everything -- you -- I 11:06:16  
24 don't think you can just blatantly make one statement 11:06:20  
25 discriminatory. I think it has to be taken into 11:06:25

1 context. I think that I would have to know what the 11:06:28  
2 conversation was about. But I also don't think Chief 11:06:30  
3 Swann's gonna do that but he could. I don't -- I'm 11:06:34  
4 not saying he can't. I'm not him. But I think 11:06:38  
5 sometimes a lot of people say things just off the 11:06:40  
6 cuff that they may not necessarily believe or that 11:06:43  
7 someone may deem as hurtful. But I don't know, A, if 11:06:45  
8 they're always illegal, or discriminatory, or violate 11:06:49  
9 EEOC. I mean, I haven't been put in that situation 11:06:52  
10 so. 11:06:56

11 Q. What if -- what if Chief Swann said to you -- 11:06:56  
12 hypothetically again, because I'm not saying he has. 11:06:56  
13 But what if he had said to you, you know, no woman 11:07:00  
14 should ever be a fire marshal, what would you do with 11:07:04  
15 that? 11:07:07

16 A. Well, we would probably have a very long 11:07:08  
17 argument about the reasons that, A, that's wrong and 11:07:10  
18 he shouldn't say that, but, B, about how that women 11:07:13  
19 in the workplace should be elevated and moved up. I 11:07:17  
20 mean, he and I have very open conversations. And I'm 11:07:21  
21 not one of those people that's just like a yes, sir. 11:07:21  
22 My job is to tell him if I think he is making a 11:07:24  
23 mistake, or doing something wrong, or why he 11:07:29  
24 shouldn't do this, or why he can't do something 11:07:32  
25 because the Civil Service rules require it. And if I 11:07:36

1	don't feel comfortable with doing it, I'm not gonna	11:07:40
2	put my name on it and he knows that.	11:07:41
3	Q. But what would you do?	11:07:43
4	A. I have no idea. I've never been put in that	11:07:45
5	situation and I can't speculate what I would do.	11:07:49
6	Q. Okay. You said one of your jobs is to tell	11:07:51
7	him if he makes a mistake, correct?	11:08:04
8	A. Yeah, advise him. Well, I --	11:08:07
9	Q. Advise him?	11:08:08
10	A. It's my belief that he's made a mistake -- he	11:08:09
11	may think he's right. But if I thought he was making	11:08:13
12	a making a mistake, I would say I think you're making	11:08:16
13	a mistake.	11:08:18
14	Q. Have you ever told him that you think he's	11:08:18
15	making a mistake?	11:08:20
16	A. I have.	11:08:21
17	Q. Can you give me an example of --	11:08:22
18	A. I don't have an example. But there's been	11:08:23
19	plenty of times that if I said -- I will make	11:08:27
20	statements that if I were gonna do this, I would do	11:08:27
21	it this way or I wouldn't do it that way. But I	11:08:30
22	preface every one of those that I understand he's the	11:08:31
23	chief, and he's the boss, and he makes those	11:08:33
24	decisions, but if it were me, this is how I would go	11:08:36
25	about it. I can't give you a specific example, but	11:08:40

1	that's not an uncommon conversation that we have.	11:08:44
2	It's happened before.	11:08:47
3	Q. Can he fire you?	11:08:47
4	A. Yes, he can.	11:08:49
5	Q. On page -- I'm sorry. Paragraph 57 states:	11:09:20
6	To add insult to injury, Chief Swann further	11:09:24
7	instructed Ms. Lawrence to give Mr. Hutchison	11:09:27
8	support, make sure if he -- if anything he needs or	11:09:31
9	whatever he needs you're here to support him. And	11:09:34
10	you've admitted that the chief asked Maggie to	11:09:40
11	complete her job duties as an assistant fire marshal,	11:09:45
12	correct?	11:09:48
13	A. Yeah. That should have said deputy fire	11:09:48
14	marshal, by the way; not assistant.	11:09:52
15	Q. What are you talking about?	11:09:59
16	A. On the answer, number 57.	11:10:01
17	Q. Oh, I'm sorry. Your answer should have said	11:10:03
18	deputy --	11:10:05
19	A. Uh-huh.	11:10:06
20	Q. -- fire marshal?	11:10:06
21	A. Uh-huh.	11:10:07
22	Q. Okay. Paragraph 60 states that he	11:10:07
23	reminded -- he, being Chief Swann, reminded her,	11:10:20
24	being Maggie, that former Fire Marshal Thomas had	11:10:24
25	been terminated and suggested to her that it was	11:10:27

1	because he was not on board with the chief's	11:10:32
2	succession plan. And you denied that, correct?	11:10:35
3	A. Correct.	11:10:38
4	Q. Do you specifically remember talking with the	11:10:40
5	chief about that?	11:10:43
6	A. I want to say that that was another one that	11:10:46
7	was in her initial EEO complaint and so that's where	11:10:48
8	I would have got that answer.	11:10:55
9	Q. But you don't know it for sure? You're	11:10:57
10	just -- that's just a guess?	11:10:59
11	A. I'm just guessing.	11:11:00
12	Q. Okay. And I suppose the same could be said	11:11:01
13	with paragraph 61 -- with paragraph 61?	11:11:03
14	A. Correct.	11:11:09
15	Q. Okay. Paragraph 65 states: Less than one	11:11:34
16	month after filing her charge on October 8th, 2021,	11:11:37
17	Fire Marshal Hutchison put Ms. Lawrence on a	11:11:43
18	performance improvement plan, correct?	11:11:46
19	A. Correct.	11:11:50
20	Q. That was the first performance improvement	11:11:51
21	plan she's ever been put on; is that correct?	11:11:54
22	A. Correct.	11:11:56
23	Q. Okay. Paragraph 67 states: For example, Mr.	11:11:57
24	Hutchison said she was put on the PIP because she did	11:12:23
25	not assign a former employee's re-call duties to	11:12:26

1	anyone even though she did. And in your response,	11:12:32
2	you admit that not reassigning re-call duties was	11:12:39
3	listed, but you deny the other allegations; is that	11:12:43
4	correct?	11:12:50
5	A. I guess the other allegations is even though	11:12:50
6	she did?	11:12:55
7	Q. Yeah. Did you look into whether she actually	11:12:55
8	did or not?	11:12:59
9	A. I don't recall.	11:13:00
10	Q. Okay. Would you agree that you should have	11:13:00
11	looked into it since that is the allegation?	11:13:14
12	A. I -- yes.	11:13:17
13	Q. Okay.	11:13:19
14	A. But I may have; I just don't remember.	11:13:20
15	Q. Paragraph 68 states: Mr. Hutchison also	11:13:30
16	explained that Ms. Lawrence approved overtime for	11:13:35
17	employees that should not have been approved even	11:13:39
18	though Mr. Hutchison, himself, approved the overtime	11:13:43
19	when Ms. Lawrence originally asked. Did you look	11:13:47
20	into that or do you recall looking into that?	11:13:51
21	A. I don't recall.	11:13:54
22	Q. Okay. But you will agree again that you	11:13:55
23	should have?	11:14:01
24	A. Sure.	11:14:02
25	Q. Okay.	11:14:02



1	A.	Yes.	11:14:02
2	Q.	Paragraph 69 states: On November 6th, 2021,	11:14:06
3		Ms. Lawrence gave an interview to News 4 Nashville	11:14:11
4		about her allegations. And the answer says	11:14:15
5		insufficient information to be able to admit or deny.	11:14:22
6		And my guess is that's -- you just don't know when	11:14:26
7		the interview was given. Is that fair?	11:14:30
8	A.	Correct.	11:14:32
9	Q.	Okay. And it talks at -- paragraph 70 states	11:14:33
10		that the reporter, Jeremy Finley, did a story on all	11:14:39
11		the African American women who have filed charges of	11:14:43
12		discrimination against the Nashville Fire Department.	11:14:46
13		And your answer is admitted that there was a news	11:14:51
14		story done by reporter Jeremy Finley. All other	11:14:57
15		allegations are denied. Did you ever watch that	11:15:01
16		story?	11:15:05
17	A.	I did.	11:15:05
18	Q.	Okay. So if you watched that story, you	11:15:06
19		would have learned that he, Jeremy Finley, addressed	11:15:09
20		other charges of discrimination that were filed	11:15:16
21		against the Nashville Fire Department, correct?	11:15:20
22	A.	Correct.	11:15:22
23	Q.	Okay. So why did you deny that?	11:15:23
24	A.	Because it said on all the African American	11:15:26
25		women who have filed charges of discrimination. And	11:15:30

1 I don't know that in all the people listed that 11:15:33  
2 actually filed discrimination charges. They may have 11:15:38  
3 filed complaints. They may have -- and I -- and 11:15:41  
4 there may have been more. I don't know. I'm 11:15:44  
5 assuming that's what the response to that answer is 11:15:46  
6 for. I'm just guessing. 11:15:50

7 But, I don't know, that -- that just isn't an 11:15:51  
8 accurate representation of what the story was about, 11:15:54  
9 the news story. I would have to go back and watch 11:15:56  
10 the story again and see who all was in there. 11:16:02  
11 Because I remember thinking we had issues that -- 11:16:05  
12 some people filing a complaint of discrimination and 11:16:08  
13 -- or filing charges of discrimination and just doing 11:16:11  
14 investigations or complaints; not necessarily had to 11:16:14  
15 do about race so. 11:16:16

16 Q. Okay. The -- well, it doesn't say race, 11:16:18  
17 though, to be fair. It just says who have filed 11:16:22  
18 charges of discrimination, correct? 11:16:25

19 A. Correct. I was just going off of the 11:16:26  
20 previous part where it says on all African American 11:16:29  
21 women so assuming it was race. 11:16:31

22 Q. Okay. 11:16:32

23 A. Yeah. 11:16:32

24 Q. The story actually posted pictures of three 11:16:34  
25 other women, correct? 11:16:39

1	A.	I think so.	11:16:40
2	Q.	And one is Drusilla Martin?	11:16:41
3	A.	Correct.	11:16:45
4	Q.	Do you know Ms. Martin?	11:16:45
5	A.	I do.	11:16:47
6	Q.	And who is Ms. Martin?	11:16:48
7	A.	She is the -- one of the finance managers	11:16:50
8		here at the department who's assigned to OEM to do	11:16:53
9		the budget at the Office of Emergency Management --	11:16:56
10	Q.	And --	11:16:59
11	A.	-- and all finances.	11:16:59
12	Q.	-- did she file any sort of complaint against	11:16:59
13		the department?	11:17:03
14	A.	I know she has filed -- she has lodged	11:17:04
15		complaints. I don't recall that she has filed	11:17:07
16		official complaints through the EEOC or filed charges	11:17:09
17		through the EEOC.	11:17:15
18	Q.	You don't know?	11:17:17
19	A.	I don't know.	11:17:19
20	Q.	Okay. Do you know if she's still working	11:17:19
21		here?	11:17:21
22	A.	She is.	11:17:22
23	Q.	Do you know what any of her complaints are?	11:17:22
24	A.	One of her complaints -- and I -- I would	11:17:24
25		just be guessing. I don't want to guess but I -- I	11:17:29

1 just -- I can't remember. But I know that we've had 11:17:34  
2 them. I believe she's filed -- I know she's filed 11:17:37  
3 complaints. I just don't recall if she went to the 11:17:38  
4 EEOC or not. 11:17:42  
5 Q. Okay. Would you have copies of all that if 11:17:45  
6 she did? 11:17:48  
7 A. Yes. 11:17:48  
8 Q. Okay. 11:17:49  
9 MR. BIGELOW: I'll probably follow up 11:17:49  
10 with that, Ben. 11:17:51  
11 BY MR. BIGELOW: 11:17:52  
12 Q. What about Quinetta Bartley? 11:17:53  
13 A. I'd have to go back and look. I don't 11:17:57  
14 remember if she filed -- Quinetta was demoted and 11:18:00  
15 then ultimately -- temporarily and then ultimately 11:18:04  
16 permanently demoted. I would -- and I'd have to 11:18:07  
17 look. 11:18:10  
18 Q. Okay. Now, she was the former deputy fire 11:18:11  
19 marshal? 11:18:14  
20 A. She was. 11:18:14  
21 Q. And she was demoted? 11:18:14  
22 A. Correct. 11:18:16  
23 Q. Okay. Do you know why she was demoted? 11:18:17  
24 A. Al Thomas brought her up on charges for 11:18:19  
25 deficient and insufficient performance of duties and 11:18:21

1	a host of other Civil Service violations related to	11:18:25
2	her performance in her job.	11:18:29
3	Q. What about Shelle Braden?	11:18:31
4	A. Yes, I know Shelle.	11:18:34
5	Q. Okay. Tell me about Shelle.	11:18:35
6	A. Shelle was a paramedic here. She is -- no	11:18:36
7	longer works here. She is a -- she is on her	11:18:38
8	disability pension, OID disability pension. And	11:18:43
9	she's probably filed six complaints with the EEOC and	11:18:46
10	filed lawsuits against the department for a multitude	11:18:54
11	of reasons, but she never followed through with any	11:18:56
12	of them.	11:19:01
13	Q. Since you have been the head of HR for the	11:19:01
14	Metro fire department, do you have any idea how many	11:19:04
15	complaints of discrimination have been filed?	11:19:09
16	A. Any kind of discrimination?	11:19:10
17	Q. Yeah.	11:19:11
18	A. Maybe 10, 12.	11:19:13
19	Q. Have you -- and when they're filed, is it	11:19:15
20	your duty to investigate them?	11:19:20
21	A. Usually when they're filed, they go to Metro	11:19:22
22	Legal and then I will help form the answer or the	11:19:25
23	response to the questions -- or to the charges from	11:19:28
24	the EEOC.	11:19:31
25	Q. Okay. Have you ever -- in helping form the	11:19:32

1	answers, have you ever admitted to any fault on	11:19:37
2	behalf of the fire department?	11:19:42
3	A. I don't recall. Admitted?	11:19:46
4	Q. Yeah. Like have you ever found that the	11:19:48
5	charges or complaints of discrimination were, in	11:19:51
6	fact, true? Have you ever said, yeah, that's true,	11:19:56
7	we did that?	11:19:59
8	A. We have stated that, yes, we did that but not	11:20:00
9	necessarily in the -- so in the response, there may	11:20:04
10	be a question that says, yes, we did that, but, no,	11:20:08
11	it's not discrimination and here's why or -- and in	11:20:11
12	all those, we've only had one -- one of the	11:20:15
13	complaints that I can recall that we actually had a	11:20:19
14	follow up from the EEOC and it was -- it was fairly	11:20:21
15	recent.	11:20:24
16	Q. Well, let me -- let me state that	11:20:24
17	differently. In response to any allegations of	11:20:28
18	discrimination, have you as the head of HR stated,	11:20:35
19	yes, we did discriminate against this person?	11:20:39
20	A. Not that I can recall.	11:20:44
21	Q. Okay. Do you know Joshua Lipscomb?	11:20:45
22	A. I do.	11:20:58
23	Q. And how do you know him?	11:20:59
24	A. He was one of our former firefighters here at	11:21:01
25	the Nashville Fire Department.	11:21:04

1	Q.	And did he end up filing a complaint?	11:21:06
2	A.	He filed a lawsuit.	11:21:11
3	Q.	He filed a lawsuit?	11:21:12
4	A.	Uh-huh.	11:21:14
5	Q.	Okay. And what were the allegations in that	11:21:14
6		lawsuit?	11:21:18
7	A.	Free speech.	11:21:19
8	Q.	Okay.	11:21:20
9	A.	Social media.	11:21:21
10	Q.	And he filed it because he had received a	11:21:23
11		16-day suspension; is that correct?	11:21:28
12	A.	Correct.	11:21:31
13	Q.	And ultimately, there was a settlement -- I	11:21:32
14		guess a settlement out of court maybe?	11:21:36
15	A.	Correct, we settled prior to going to court.	11:21:38
16	Q.	For \$450,000?	11:21:42
17	A.	Well, it was -- for him, it was for three	11:21:43
18		years of his salary had he kept working here and	11:21:45
19		attorney's fees that totalled somewhere around	11:21:46
20		\$450,000, yes.	11:21:50
21	Q.	Combined --	11:21:51
22	A.	Uh-huh.	11:21:53
23	Q.	-- both combined?	11:21:53
24		Okay. Did you ever monitor his social media	11:21:59
25		accounts?	11:22:01

1	A.	I said in my deposition then, and I'll say it	11:22:03
2		today, that I did not monitor his social media. Yes,	11:22:07
3		I looked at his social media, but I did not monitor	11:22:10
4		his social media.	11:22:13
5	Q.	Okay. What's the difference between looked	11:22:15
6		at and monitored?	11:22:23
7	A.	I think monitoring means that you're	11:22:24
8		continually just sitting there waiting to get them on	11:22:26
9		something. And in his case, he left it wide open so	11:22:30
10		I looked at it.	11:22:35
11	Q.	Okay.	11:22:36
12	A.	Yeah.	11:22:36
13	Q.	When claims are brought against the fire	11:22:43
14		department, whether discrimination or, as in Mr.	11:22:50
15		Lipscomb's case, first amendment claims, do you ever	11:22:55
16		look at social media accounts of the people that are	11:23:07
17		bringing the claims?	11:23:10
18	A.	I have.	11:23:11
19	Q.	Okay.	11:23:12
20	A.	But I don't -- I don't have Facebook so I	11:23:12
21		can't look at that, so sometimes Joseph does or other	11:23:15
22		people will bring it to my attention.	11:23:19
23	Q.	Who's Joseph?	11:23:21
24	A.	Joseph Pleasant, our PIO.	11:23:23
25	Q.	Joseph?	11:23:26



1	A.	Pleasant.	11:23:27
2	Q.	Pleasant?	11:23:28
3	A.	Our PIO.	11:23:30
4	Q.	What's a PIO?	11:23:31
5	A.	Public information officer.	11:23:32
6	Q.	Okay. So sometimes either he or you will	11:23:34
7		like look into --	11:23:36
8	A.	Well, he'll -- if it's on Facebook or	11:23:37
9		something and it's alleged, that's how it usually	11:23:39
10		gets to me.	11:23:43
11	Q.	Okay.	11:23:43
12	A.	I don't usually have any information	11:23:43
13		regarding Facebook complaints like that unless	11:23:47
14		they're brought to me; either by one of the chiefs	11:23:49
15		might text them a screenshot of something. You know,	11:23:50
16		there's a host of different ways it can occur but...	11:23:54
17	Q.	Okay. Did you ever look into any of Ms.	11:23:56
18		Lawrence's accounts or anything like that?	11:24:00
19	A.	Not that I recall. Just she -- unless she	11:24:01
20		has Instagram. I only have Instagram but I don't	11:24:03
21		think I did.	11:24:06
22	Q.	Do you know or are you just guessing?	11:24:07
23	A.	I'm not -- I don't want to sit here and say	11:24:09
24		that I've never looked at it, but I don't recall ever	11:24:12
25		looking at it.	11:24:15

1	Q.	Okay. Do you ever look into people's e-mails	11:24:16
2		like within the department? Is that part of your	11:24:26
3		job?	11:24:30
4	A.	No.	11:24:30
5	Q.	So --	11:24:30
6	A.	We have -- when people leave, like Al Thomas,	11:24:32
7		we will capture their e-mail box and -- or their	11:24:35
8		folder and hold it so that we can look at it like if	11:24:38
9		we need old e-mails about an ongoing project or	11:24:43
10		something like but not since anyone that -- anyone	11:24:46
11		that works here. We'd have to -- I can't -- I can't	11:24:49
12		just go look in anybody's e-mail. We would have to	11:24:50
13		get access from the IT department to do that.	11:24:54
14	Q.	Okay. So you don't have the ability to	11:24:56
15		just --	11:24:58
16	A.	No.	11:24:58
17	Q.	-- search yourself someone's e-mails or --	11:24:58
18	A.	No, no, no.	11:25:02
19	Q.	Okay.	11:25:05
20		MR. BIGELOW: Let's just do this, let's	11:25:09
21		just take -- what time is it?	11:25:09
22		MR. PUCKETT: 11:25.	11:25:09
23		MR. BIGELOW: Let's just take a	11:25:15
24		five-minute break. And then I highly doubt we'll go	11:25:15
25		more than 15 more minutes and we may go zero more	11:25:19

1	minutes. But let's just take a five-minute break and	11:25:24
2	we'll go from there.	11:25:28
3	THE WITNESS: Okay.	11:25:32
4	(Short break.)	11:25:32
5	BY MR. BIGELOW:	11:25:32
6	Q. Let's get on the record just for a few more	11:32:10
7	minutes and then I'll let you go.	11:32:13
8	A. Okay.	11:32:15
9	Q. Earlier, you testified that you have known	11:32:15
10	Maggie for a couple of decades.	11:32:19
11	A. Yes.	11:32:21
12	Q. Is that true?	11:32:21
13	A. True.	11:32:22
14	Q. And you get along with her?	11:32:23
15	A. I do.	11:32:24
16	Q. Okay. Have you ever known her to lie about	11:32:25
17	anything?	11:32:29
18	A. Not that I'm aware of.	11:32:30
19	Q. Okay. In your 20 years around or so of	11:32:31
20	knowing her, do you think that she's a truthful	11:32:42
21	person?	11:32:45
22	A. I would say so, yes.	11:32:45
23	Q. Okay. I have no further questions. Thank	11:32:47
24	you for your time.	11:32:50
25	A. Thank you.	11:32:51

MR. PUCKETT: No questions.

11:32:53

FURTHER DEPONENT SAITH NOT

REPORTER'S CERTIFICATE

STATE OF TENNESSEE

COUNTY OF DAVIDSON

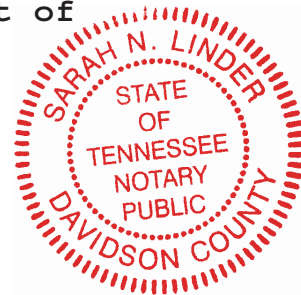
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